UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.13
28 May 1993

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

PAKISTAN

[25 January 1993]

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 33	4
A.	The land and people	1 - 4	4
B.	Population	5 - 10	4
C.	Social system	11 - 14	6
D.	National economy	15 - 16	6
E.	Political system	17 - 18	7
F.	Child population	19 - 30	7
G.	Ratification of the Convention on the Rights of the Child	31	9
H.	Institutional arrangements for child welfare and development	32 - 33	9

GE.93-16758 (E)

CONTENTS (continued)

		Paragraphs	Page
II.	RIGHTS OF THE CHILD: MEASURES ADOPTED TO HARMONIZE NATIONAL LAWS AND POLICIES	34 - 51	10
	A. Constitutional provisions	34	10
	B. Compilation of existing laws	35	10
	C. Laws under revision	36	10
	D. Study of prevalent laws	37 - 38	10
	E. New laws enacted/in process	39 - 46	11
	F. Islamabad Declaration on Survival, Protection and Development of the Child	47	12
	G. National Programme of Action for children in the 1990s	48 - 51	12
III.	POLICY, PLANS AND RIGHTS OF THE CHILD	52 - 99	14
	A. Policy and options	52 - 59	14
	B. The plans	60 - 92	16
	C. Monitoring arrangements for the goals	93 - 99	23
IV.	CHILD SURVIVAL, PROTECTION AND DEVELOPMENT: PROGRESS MADE	100 - 176	25
	A. Health services	102 - 113	25
	B. Nutrition	114 - 116	27
	C. Water and sanitation	117	28
	D. Literacy and education	118 - 131	29
	E. Population welfare programme	132 - 133	31
	F. Children with disabilities	134 - 137	32
	G. Children in difficult circumstances	138 - 141	33
	H. Children subjected to abuse and neglect	142 - 145	34
	I. Right to leisure, play and participation	146 - 152	35
	J. Role of the media	153 - 157	35

CONTENTS (continued)

	Paragraphs	Page
K. Capital punishment	158	37
L. Social sector programmes	159 - 160	37
M. General measures of implementation	161 - 176	37
V. CONSTRAINTS ENCOUNTERED IN IMPLEMENTATION OF THE CONVENTION	177 - 192	39
A. Difficulties and constraints	178	39
B. Remedial measures	179 - 192	40
CONCLUSIONS	193 - 195	42

Annexes*

I. List of occupations and processes where employment of children is prohibited

II. Islamabad Declaration on Survival, Protection and Development of the Child

III. Composition of the Inter-Ministry Task Force on the National Programme of Action for Children in the 1990s

IV. Composition of the Federal Committee on the Social Action Programme for the Eighth Plan (1993-1998)

V. Trends towards the goals

VI. Direct budgetary expenditure on children and women (1991-1992)

LIST OF DOCUMENTS USED IN THE PREPARATION OF THE REPORT*

* Available for consultation in the files of the secretariat.

I. INTRODUCTION

A. The land and people

1. Pakistan is situated in the north-western part of the subcontinent of South Asia. The country came into being as a result of independence obtained from the British on 14 August 1947 after partition of the Indian subcontinent. The total area of Pakistan is 79.6 million hectares (approximately 796,000 km^2) of which one third is arable land and 4.6 million hectares has forest.

2. Pakistan has extreme variations of temperature depending on the topography. The country, however, has four well-marked seasons, viz.:

Winter (December to March)

Summer (April to June)

Monsoon (July to September)

Autumn (October to November).

3. Pakistan is comprised of four provinces - Punjab, North-West Frontier (NWFP), Balochistan and Sindh, and Federally Administered Tribal Areas (FATA) of the north and north-west. Each province is divided into administrative divisions, districts, tehsils/talukas. There were 25 divisions and 106 districts in the country in 1992. Islamabad, the capital of Pakistan since 1962, lies in the northern part of the country.

4. Pakistan came into being as a result of the demand for a separate homeland for the Muslims of the subcontinent. The large majority of the population of Pakistan is comprised of Muslims with minorities like Sikhs, Hindus, Christians, Parsis (Zoroastrians), etc. The Constitution of Pakistan guarantees the rights of minorities to profess and practise their religion and every administrative position is open to them with the exception of President and Prime Minister.

B. Population

5. Pakistan is the ninth most populous country in the world after China, India, Bangladesh, United States of America, Indonesia, Brazil, Japan and Nigeria. In terms of the Human Development Index (HDI) that takes into account life expectancy, education and income, Pakistan ranks at 120, while Turkey is at 70 and Iran is at 92.

6. In the first decennial census (1951), the population of Pakistan was reported to be 33.8 million while in the last decennial census in 1981 the population was 84.3 million. In January 1992, the population was estimated at 117.32 million with males comprising 52.5 per cent of the population. The sex ratio is estimated to be 111 males per 100 females. Since independence, the population has increased at an average growth rate of 2.9 per cent per annum. The present growth rate of the population is estimated t be around 3 per cent.

7. According to the 1981 census, children under 5 constituted over 15 per cent of the population, and under 15 were 44.5 per cent. The percentage of children would be higher in the rural countryside because of their higher birth rate.

8. The population of Pakistan is unevenly distributed among its various provinces. Punjab is the most densely populated province with about one quarter (26 per cent) of the total land area of the country and more than half (56 per cent) of the total population, while Balochistan, which is the largest province by area (44 per cent of the total land area), has the lowest proportion of Pakistan's total population (5 per cent). The share of population of Sindh is 22.58 per cent against 17.70 per cent of the total area, while the population of NWFP constitutes 13.13 per cent against 9.36 per cent of the total area of Pakistan. FATA comprises 3.42 per cent of area against 2.61 per cent of the total population. The population density in the country increased from 43 persons per square kilometre in 1951 to 106 persons per square kilometre in 1981. The Pakistan Economic Survey 1991-1992 estimated population density as 142 persons per square kilometre.

9. According to the 1981 population census, 72 per cent of the total population of Pakistan was in rural areas. The urban population increased from 18 per cent in 1951 to 28 per cent in 1981. In terms of absolute numbers, the urban population nearly quadrupled from 6 million in 1951 to 23.8 million in 1981.

10. The table below gives the percentage of population by age group, sex and area, on the basis of the 1981 census:

Group	All areas			Urban			Rural		
All ages	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
0-4	15.4	14.3	16.5	15.1	14.2	15.5	15.5	14.4	16.8
5-9	16.0	15.8	16.2	14.9	14.4	15.5	16.4	16.4	16.5
10-14	13.2	13.7	12.6	13.1	13.0	13.2	13.2	14.6	12.3
15-19	9.4	9.8	9.0	10.6	10.7	10.6	9.0	9.4	8.4
20-24	7.8	7.6	8.3	8.8	9.1	8.0	7.4	7.0	7.8
25-29	6.7	6.7	6.6	7.2	7.4	7.0	6.4	6.4	6.4
30-34	5.6	5.5	5.7	5.8	5.9	5.7	5.5	5.4	5.7
35-39	5.1	4.9	5.3	5.3	5.2	5.5	5.0	4.8	5.3
40-44	4.4	4.5	4.9	4.8	4.7	4.5	4.7	4.4	5.0
45-49	3.7	3.7	3.7	3.7	3.8	3.5	3.8	3.7	3.8
50-54	3.6	3.8	3.4	3.3	3.6	3.0	3.7	3.9	3.5
55-59	2.0	2.0	1.9	1.8	1.9	1.7	2.0	2.0	2.0
50- and above	6.9	7.7	6.1	5.6	6.2	5.2	7.4	8.3	6.5

Source: Social Indicators of Pakistan, 1990, Federal Bureau of Statistics.

According to the data in the table above, Pakistan has over 44 per cent of its population in the age group 0-14. If the population in the age group 15-19 is added, the percentage touches the mark of 54 per cent. This shows the youthful character of the population and the importance and need for taking appropriate measures for the proper upbringing of half the population which has to shoulder the responsibilities of the country's future development and progress.

C. Social system

11. In Pakistan, apart from Islamic injunctions and constitutional and legal provisions, the joint or extended family continues to play an important role in the rearing, protection, care and education of children. Under the system, the young ones receive all the needed care and protection from their parents, grandparents and elders in the family, while the aged and infirm get necessary attention from their grown-up children. Thus, the joint family system, in which about three generations usually live under one roof, perform many of the functions that are otherwise carried out by the social security system in the West.

12. It is not out of place to mention that the first five years of a child's life are not only crucial for healthy physical development but also for psycho-social development and learning to become a well-adjusted member of society. The extended family system exercises a strong and beneficial effect in this respect.

13. Although families in urban areas are fast becoming nuclear, family ties continue to remain strong all over Pakistan. The joint family is an accepted norm in the rural countryside where over 70 per cent of the population resides. The family as an institution has thus been effectively looking after their children with little or no direct assistance from the State. Although, in the wake of modernization and industrialization, the age-old customs and traditional values generally get eroded, in Pakistan conscious efforts will have to be made to preserve the family as an institution for the useful role it has played for the survival, protection and development of the child.

14. Institutions have also been providing shelter, protection, care and education/training to children deprived of their families. Although the standard of service of most of the institutions leaves much to be desired, nevertheless they do provide some succour to the lonely deprived children.

D. National economy

15. Pakistan is intrinsically an agricultural country with more than 70 per cent of its population living in rural areas. Agriculture is the largest single sector of the economy, employing more than 50 per cent of the rural population. Agriculture accounts for 24 per cent of the gross domestic product (GDP).

16. In 1990-1991, the average per capita income in Pakistan was estimated at about Rs. 9,000 (US$ 400). The average rural monthly income per household in Pakistan is around one third lower than the per household urban income. Some 30 per cent of the population in Pakistan is estimated to live below the

poverty line and suffers from malnutrition and ill-health. Pakistan also has a low gross domestic savings rate of 13 per cent of GDP. The average annual growth rate of GDP during the period 1985-1990 remained about 5.8 per cent. As for the labour force, it was estimated at 32.82 per cent during 1991-1992, out of which 32.76 million were employed. The unemployment rate thus worked out was 3.13 per cent.

E. Political system

17. Pakistan is an Islamic Republic and follows a federal parliamentary system of democracy. Upon creation of the country in August 1947, a National Assembly was formed comprising members elected from the areas that later formed Pakistan (East Pakistan and West Pakistan). The Assembly adopted an Objective Resolution in 1949 providing a framework for drawing up a constitution for the country that should guarantee freedom and welfare for all its citizens without discrimination, as enunciated in the Holy Quran and Sunnah. The first Constitution of the country was adopted in 1956 and the current one in 1973.

18. The National Assembly is the highest representative body charged with the responsibility of legislation and constitutional amendment, as and when required. The National Assembly elects the leader of the house (Prime Minister of Pakistan). The Provincial Assemblies also act accordingly in their respective jurisdiction. The President of Pakistan is elected at a joint session of the Parliament (National Assembly and Senate) for a period of five years.

F. Child population

1. Definition of the child

19. Most of the local laws regard a person below the age of 18 years as a child except in cases such as employment or in the event of a female contracting marriage.

20. Under the Majority Act of 1875, "every person domiciled in Pakistan is deemed to have attained his majority when he shall complete his age of 18 years and not before". However, the provisions of the Majority Act are not binding on other laws. A child under 18 years cannot vote, cannot file a lawsuit and cannot enter into any contract. There is no bar to his seeking medical consultation without parental consent, but in view of family life in Pakistan evidence is not available on legal or medical counselling sought by children themselves. A child cannot contract marriage below the age of 16 years for females and 18 years for males. Premarital/extramarital sex is prohibited; therefore, the question of sexual consent does not arise. A child under 18 years of age also cannot enlist in the armed forces. Besides, no child under the age of 14 years can be employed in any formal sector.

21. Under the Pakistan Penal Code, no act is considered as an offence which is committed by a child under 7 years of age. Under the same code no act is regarded as an offence if done by child above 7 years of age and under 12 years, who has not attained sufficient maturity to judge the nature and consequences of his conduct on that occasion. The law authorizes the officer

in charge of a police station to release a person under 15 years of age on bail, if arrested for a non-bailable offence. If a child under 18 years is convicted by a court for an offence punishable with transportation or imprisonment, the court may either order him to be sent to a certified school or to the juvenile section of a jail.

22. Administration of an intoxicant without medical prescription to a child under 14 years is a punishable crime. It is also a criminal offence to take or to permit a child to enter a place where liquor or dangerous drugs are sold. Sale of tobacco/cigarettes to a child under 16 years of age is also a criminal offence.

23. However, certain subjects such as maintenance, guardianship, custody of children and inheritance are enforced by the Family Courts on the basis of the Islamic laws, unlike most of the other matters dealt with by the Convention which are covered by the statutory, civil (including family and criminal) laws of Pakistan. These Islamic laws are non-codified, and vary from sect to sect. As a result, these laws are subject to varying interpretations by the courts and the religious scholars depending on their schools of thought and ideological outlook.

24. In general the laws of Pakistan treat the male and female child alike. Few laws define a female child to be below the age of 16 years as opposed to a male child who is stated as being below 18 years of age. Some codified Islamic laws have even lowered this age of the female child by stipulating that it is either 16 years or upon attaining puberty. In certain other matters, like custody of children and inheritance, this non-codified Islamic law maintains a distinction between a male and female.

2. Situation of children

25. The number of children below 15 years of age, estimated around 52 million in 1990, is expected to rise to 74 million by 2000. As a proportion of the total population, they were 41 per cent in 1961 and not less than 44 per cent by 1990.

26. Infant mortality rate in Pakistan is 106 per 1,000 (Economic Survey of Pakistan 1991-92). The causes of death among children, usually from low-income households, reflect a pattern. Over half the infant deaths occur within the first four weeks of life, due mainly to poor maternal health, complications at birth and tetanus infection. Over a third of the post-neonatal deaths occur from intestinal infections from water and sanitation problems and unhygienic weaning practices. The health-nutrition-education-poverty linkage is reflected in the observation that the smaller the household size, the better the educational level of the mother, the fewer the bouts of diarrhoea and the better off the child nutritionally.

27. Another striking aspect of the situation of children is poverty. About 20 million children live in a context of pronounced regional disparities. This estimate is based on the Household Income and Expenditure Survey, 1984-85 which showed that between 20 and 40 per cent of all households are poor and for many of these households, poverty has persisted for generations.

28. Another feature of the living condition of children is the adversity they face in the socio-physical environment of life, particularly in the larger cities. Of the total 16.7 million children in urban areas, nearly 7.5 million live in under-serviced or unserved peri-urban settlements, dilapidated inner city areas, squatter settlements on private land and katchi abadies recognized by the Government for grant of tenure rights. Environmental problems are on the increase. Provision of safe water and proper sanitation is inadequate, which has a direct bearing on the state of material and child health.

29. Poor health along with lack of education perpetuates poverty, further decreasing the human capacity to cope with it. Malnutrition persists widely and hardly any significant change in the nutritional status of a large majority of children has taken place in the past despite economic development and growth in per capita income, mainly because of a high population growth rate in the country.

30. In order to offset low per capita incomes, the poor are constrained to use their large family size to increase their participation in the labour force - the additional work effort coming from women and children. Among the poor, some 12 per cent of children (10-14 years) work - many in unhealthy trades for pitiful wages. There are at least 8 million working children who remain away from school. The incidence of child labour varies significantly among the provinces and between rural and urban areas. More poverty among rural households coupled with the nature of agricultural work contributes to greater child labour in rural areas.

G. Ratification of the Convention on the Rights of the Child

31. Pakistan ratified the Convention on 12 November 1990, with a general reservation that its provisions shall be interpreted in the light of principles of Islamic laws and values. Practically no provision of the Convention comes into direct conflict with any of the major precepts of Islam, barring the matter of adoption for which an appropriate provision has already been made in the Convention. Pakistan has, therefore, committed itself to achieving the rights of the child - rather of the "whole child" and of "all children" in the development perspective.

H. Institutional arrangements for child welfare and development

32. The existing institutional arrangements for child welfare activities rest with various federal ministries/divisions and provincial departments concerned with relevant subject matters. Prominent among these are: health, education, religious and minority affairs, law and justice, interior and special education and social welfare, etc.

33. Within the Federal Ministry of Special Education and Social Welfare, the National Commission for Child Welfare and Development (NCCWD) is the lead agency, charged with the responsibility of establishing linkages, maintaining liaison and affecting coordination of policies and programmes relating to the Convention. At provincial levels, commissions for child welfare and development have also been set up with government and non-government

representation for promotion of child welfare activities. In addition, NGOs also play a significant role in providing welfare services to the children in the country.

II. RIGHTS OF THE CHILD: MEASURES ADOPTED TO HARMONIZE NATIONAL LAWS AND POLICIES

A. Constitutional provisions

34. Pakistan, in compliance with the authority of its Constitution, undertakes to guarantee all the economic, social or cultural rights of the child. The "Fundamental Rights" under the Constitution cover most of the provisions of a number of articles of the Convention. The Constitution clearly lays down that all such laws that are inconsistent with the Fundamental Rights shall be void. Article 8 of the Constitution further strengthens this contention by providing that no law shall be passed which in any way takes away or limits the Fundamental Rights. Thus, the rights of the child to freedom of thought, conscience, association, peaceful assembly, etc. are ensured, subject to any reasonable restrictions imposed by laws in the interest of public order, morality, sovereignty, or integrity of the country. Likewise, Pakistan has already undertaken to protect the child from all forms of sexual exploitation and sexual abuse. Pakistan has laws for preventing the inducement or coercion of a child to engage in any unlawful sexual activity; for preventing the use of children in prostitution or other unlawful sexual practices as well as for preventing the exploitative use of children in pornographic performances and material. Similarly, the country has laws for the prevention of abduction, the sale of or traffic in children for any purpose or in any form. Article 11 (2) of the Constitution prohibits all forms of forced labour and traffic in human beings (including children).

B. Compilation of existing laws

35. The existing legislation concerning children is in the process of compilation in one single document. It will facilitate an overview of legal protections available for children to organizations and individuals concerned with children.

C. Laws under revision

36. The following laws are currently in the process of revision in the light of the provisions of the Convention:

(a) Guardians and Wards Act, 1890;

(b) Child Marriages Restraint Act 1929.

D. Study of prevalent laws

37. Prior to the ratification of the Convention by Pakistan, the United Nations Children's Fund (UNICEF) sponsored a study of Pakistani laws with reference to the Convention on the Rights of the Child. The study revealed that provisions of the Convention were generally comparable with the provisions of the Constitution of Pakistan as well as prevalent laws.

38. With a view to making Pakistani laws directly comparable with the provisions of the Convention keeping in view the local socio-economic, religious and cultural conditions, structural changes needed in some laws can well be accomplished in due course on the basis of the experience gained and the need for such a change recognized by the elected representatives of the people in the Parliament. Suffice to say that while none of the constitutional provisions and the existing laws come into direct conflict with the Convention on the Rights of the Child, the main constraint in the way of its full implementation is lack of available resources.

E. New laws enacted/in process

1. Enactment of Employment of Children Act, 1991

39. The Employment of Children Act was enacted on 6 April 1991 to give effect to the relevant articles of the Convention on the Rights of the Child. The Act prohibits the employment of children in certain occupations and regulates the conditions of their work. The Act clearly states that no child below the age of 14 years shall be engaged in any factory or mine or any hazardous employment. The list of hazardous occupations and processes where employment of children is prohibited under the Act is contained in annex I.

40. The Act also ensures protection of children from economic exploitation and from performing any work considered hazardous and harmful for their health and lays down the standard legal definition of the term child and removes the anomalies resulting from different age limits prescribed in different laws.

41. Under the provisions of the said Act, the employment of a child below the age of 14 years is a cognizable offence and is punishable with imprisonment for a term which may extend to one year or with a fine which may extend to Rs. 20,000 or with both. The law prescribes punishment for subsequent offences with imprisonment which shall not be less than six months and may extend to two years. For other offences, the punishment shall be one year or with fine which may extend to Rs. 10,000 or with both.

42. The said Act provides that the period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has an interval of at least one hour for rest. The working day for children of prescribed age, therefore, shall not exceed seven hours including the time spent in waiting for work on any day and no child shall be allowed to work at night and for overtime. Every child who is employed in an establishment shall be allowed in each week, a holiday of one whole day.

43. Effective implementation and enforcement of the Act is the direct responsibility of the Labour Division as well as provincial Labour Departments. The provincial Labour Departments have been asked to appoint/notify inspectors for the implementation. They have also been desired to send annual reports of implementation of the Act. The Government of Sindh has already notified the inspectors, while others are arranging to do so.

44. The appointment of a National Committee on the Rights of the Child consisting of a Chairman and 10 other experts of high moral standing and

recognized competence is under consideration in the Ministry of Labour. The Committee would suggest appropriate measures and programmes to protect children from all possible ill-effects of industrial activities and in off-the-work situations so that children are given adequate protection from the hazardous processes and practices identifiable in the various facets of economic activity.

45. It is time to recognize that while eradication of child labour remains the ultimate objective, the conditions prevailing in the country will not permit it in the near future. Legislation must thus urgently be supplemented by pragmatic policies aimed at the protection, welfare and development of the working child, otherwise deprived of some of his most fundamental rights. If Government and voluntary agencies are willing to join hands to combat the abuses of child labour, there exists a range of opportunities for action.

2. Comprehensive laws on narcotics

46. Suitable provisions in the draft comprehensive laws have been made in conformity with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988. That will also cover provisions of article 33 of the Convention on the Rights of the Child.

F. Islamabad Declaration on Survival, Protection and Development of the Child

47. In pursuance of the article 42 of the Convention a national conference was organized in December 1991. It was represented by parliamentarians, jurists, politicians, professionals, planners, social scientists, mass media experts, artists, religious scholars, intelligentsia and practitioners in the Government as well as non-governmental organizations. The conference deliberated on priority areas of survival, protection and development of children and sought consensus on the goals and strategies set out in the National Programme of Action (NPA) for children in the 1990s. The conference concluded with:

(a) Adoption of the Islamabad Declaration on Survival, Protection and Development of the Child (annex II). It declared that the people and Government of Pakistan have the responsibility to give top priority to all steps at the national, provincial and grass-root levels for the full utilization of their rights as guaranteed by the Convention on the Rights of the Child and urges the early formulation, adoption and implementation of the NPA aimed at sound investment to assure a bright and better future to every child in Pakistan;

(b) The establishment of a National Children's Fund to augment the resources for survival, protection and development of children.

G. National Programme of Action (NPA) for children in the 1990s

48. As one of six initiators of the World Summit on Children held in 1990 and signatory to the World Declaration on Survival, Protection and Development of Children, Pakistan is committed to translate global goals for children and development in the 1990s. That commitment was further reinforced by the Mali

Declaration of November 1990. The Government of Pakistan has accordingly formulated the National Programme of Action for children in the 1990s, which reflects the long-term perspective plan to meet unmet basic needs of children. The NPA has been conceived in the context of the Social Action Plan (SAP) which is among the priority areas of the Eighth Five-Year Plan (1993-1998). The NPA is not an additional programme but a component of the SAP and Eighth Five-Year Plan.

49. The NPA was formulated in pursuance of the Plan of Action for implementation of the World Declaration on Survival, Protection and Development of Children during the 1990s at a time when national policies in health, population welfare, education, water and sanitation were being reshaped in the context of human development needs. It was formulated by an Inter-Ministerial Task Force (annex III) lead by planners and approved by the Eighth Plan SAP Committee (annex IV).

50. The NPA sets goals to be achieved up to the year 2000 (annexes V and VI). A synthesis of those goals is given hereunder:

(a) Reduction of 1990 infant mortality rate by 50 per cent or to 50 per 1,000, which ever is less;

(b) Reduction of under-five mortality rate by 50 per cent or to 70 per 1,000, whichever is less;

(c) Reduction of maternal mortality by half of the 1990 level;

(d) Reduction of wasting due to malnutrition of children (under five years) to half of 1990 level;

(e) Reduction of stunting due to malnutrition of children to half of 1990 level;

(f) Access to safe water supply:

Urban: 100 per cent
Rural: 80 per cent

(g) Access to basic sanitation facilities:

Urban: 100 per cent
Rural: 50 per cent

(h) Access to primary education:

Male: 100 per cent
Female: 80 per cent

(i) Reduction of illiteracy by half of the 1990 level:

Male: 71.3 per cent
Female: 46.6 per cent

(j) Protection to children in difficult circumstances:

05-14 years:	4 million
10-14 years:	1 million
Disabled:	reduce incidence by half
In labour camps:	virtually eliminate
In prison/remand and other homes:	3,000
Drug abuse:	virtually eliminate

51. In Pakistan's structure of government, the responsibility and resource for action in the social sectors rests with the provincial governments. The National Programme of Action, however, provides the framework for formulation and coordination of detailed and feasible programmes by each province towards the common goals.

III. POLICY, PLANS AND RIGHTS OF THE CHILD

A. Policy and options

1. The policy

52. The main thrust of social policy and planning in the 1990s will be to promote the national goals in a mutually reinforcing manner within the social sectors and between the economic and social sectors. In this scheme, the "goals for children and development in the 1990s" will receive the first priority.

53. Pakistan is committed to the Expanded Programme of Immunization (EPI) programme with its objectives of reaching goals like eradication of poliomyelitis, elimination of neonatal tetanus, reduction by 95 per cent in measles deaths and 90 per cent in cases and achieving/maintaining immunization coverage of at least 90 per cent, including tetanus toxoid coverage for pregnant mothers.

54. The nutritional status of expectant and lactating mothers will be given special emphasis. During antenatal care, the nutritional status will be measured for degree of anaemia and weight gain. It will be corrected by supplemental iron and additional food, particularly during the third trimester of pregnancy.

55. Infant care will be provided through weight-monitoring, information on introducing of supplemental food at four months, full immunization, and early treatment of diarrhoea and acute respiratory infections. Growth of preschoolers will be watched with necessary interventions at appropriate stages.

56. Primary education shall be recognized as a fundamental right of children and made free and compulsory to ensure universal enrolment by the year 2000. Privatization of primary education will be encouraged to achieve that goal.

57. The massive but scattered problem of children in a variety of difficult circumstances would be addressed by strengthening awareness and capacity at the community level with policy, technical and financial support from the Government.

2. Strategic options

58. The World Summit Declaration and Plan of Action underline the imperative to mobilize all segments of society to achieve the goals for children - starting with the family and building up to the community, national and international levels. Country-specific efforts in this regard must fit in with a strategic framework of long-term social development. Operational strategies in such sector corresponding to the goals have also to be consistent with and held together by an overall approach.

59. In this strategic perspective, and taking into account the current fiscal situation and the need for structural changes in economic policy, the NPA envisages steady, concurrent movement over the coming years in the following directions:

(a) The Government will play a decisive role in achieving the goals by providing political, legislative, professional and financial support and by continuing to assume direct responsibility for managing social development programmes until the stage when the communities are in a position to manage such programmes themselves;

(b) Communities in villages or urban settlements, prominently including women from poverty groups, will be assisted to be organized, aware of the nature of the problems facing them and active in achieving the goals mainly on their own, but with support from Government and voluntary agencies;

(c) A principal means of community mobilization will be the interactive process of social communication which will be promoted and expanded through mass media and interpersonal modes through both modern and traditional channels;

(d) The interest and potential of voluntary, professional, humanitarian and other private and non-governmental organizations will be energized and where necessary supported to play a crucial role in achieving the goals;

(e) In support of the above, and in view of the critical interdependence of the goals, it is essential that functionaries under various ministries working at the different levels - Union Council, District Council, Province and Federal - should work as a team, and a coordinated annual action plan in a decade perspective within the framework of national goals set for children should be drawn up by the respective administrative jurisdiction with a special unit set up for planning, managing and monitoring the goals;

(f) For this purpose, and in the interest of decentralized planning, the goals of the decade will be desegregated not only by province, but also by district. The District Councils and the Union Councils will be fully involved in and made responsible for achieving the goals for each district. Within each province a phased approach will be planned, so as to move during the

decade towards full provincial and national coverage and qualitative achievement. There will, however, be no let-up in the nation-wide programmes, which will be complementary in nature and enhanced across the country.

B. The plans

60. The rights of the child correspond to the duties of adult society and these are substantially reflected in the cluster of goals related to the survival, protection and development of children.

61. Pakistan is committed to pursue the norms of justice and equity, which the Convention propagates as values integral to human development and to the protection of vulnerable groups like children. National laws, where necessary, will be reviewed and reformed in conformity with the Convention and used as source of regulatory and educational support to adults as well as children for implementing the NPA.

62. In the spirit of the conclusions reached by the Conference on South Asian Children (October 1986) of the South Asian Association for Regional Cooperation (SAARC), Pakistan is committed to achieving the rights of the child in the development perspective of the "whole child" and of "all children".

63. In view of the existing situation, it was considered imperative to take comprehensive measures to ameliorate the conditions in the country on a priority basis. As noted above, the NPA was prepared by an Inter-Ministry Task Force as a contribution to the Social Programme (SAP). The SAP is integral to the Eighth Plan 1993-98, which brings together the economic, environmental and social dimensions of national development, so as to translate economic development into social gains, with focus on the new generation.

64. The global goals have been revived by the Task Force and adapted to the realities of Pakistan. The national goals, outlined in annex V, give an indication, wherever possible of the past trend, as well as of the quickened pace necessary to reach the targets in time.

65. Social development programmes come mainly within the purview of the provinces. Accordingly, the goals will be desegregated by provinces as part of provincial Social Action Programmes. Inter- and intra-province disparities, which are known to exist, will require that some provinces have to move faster than the others. The provincial budgets for 1991-92 which reflect the awards of the National Finance Commission for revenue-sharing show an increase of 34 per cent in social sector spending over 1990-91. This will bring substantial additional benefit to children and women in the country.

1. Education programme

66. During the 1990s, Pakistan will aim at a completion rate at the primary level, defined as the completion of class 5, of 80 per cent of all 10 year olds in the country. This calls for strenuous and sustained measures and efforts to create an effective demand for education by ensuring its quality and relevance.

67. Primary education is a "provincial subject", therefore, the provincial governments, non-government organizations, the private sector and community organizations should work together to achieve the goal, by locality and by district.

68. The new education policy has spelt out measures which will provide for a mix of government, private sector, voluntary and community initiatives for 80 per cent completion of primary level education by the year 2000. The second channel of Pakistan Television (PTV) has been commissioned to support the education system.

69. Voluntary agencies, especially women's organizations, will be supported for creating community awareness and motivation. Their capacity will be enhanced to help organize community-based and community-oriented programmes. Collaboration with voluntary organizations would include support to strengthen and expand projects for female literacy and functional education (including health and nutrition education and child care) for adolescent girls and women.

2. Water and sanitation

70. The following criteria will determine the provision of water supply/sanitation facilities:

(a) Priority will be given to those areas where fresh groundwater is not available at a reasonable depth and water has to be fetched from distant sources. Similarly, greater consideration will be given to areas where the rural population is relying on surface water (canal/rivers) which is unhygienic;

(b) In areas where people have installed their own hand pumps, priority will be given to sanitation and waste disposal schemes;

(c) Piped water supply systems (where pumping sets and overhead reservoirs are involved) will be restricted to bigger villages with populations ranging from 3,000 to 5,000;

(d) Hand pumps will be supplied to smaller villages for cheaper provision of safe drinking water;

(e) Initial delivery systems will be based on community standposts, storage tanks, etc. No house connections will be provided.

3. Health services

71. Some of the operational principles already being followed in the Seventh Plan are as follows:

(a) Emphasis on improving the quality of health care at all levels; preventive programmes like immunization, training of birth attendants, control of diarrhoeal diseases and malaria;

(b) Provision of outreach services by properly trained health auxiliaries, one per census village;

(c) Involvement of community at all levels by creating autonomous boards, governing bodies, management committees and health committees;

(d) Introduction of a nationwide school health service;

(e) Bring about improvement in emergency and allied services;

(f) Regulation of fertility as a focal point of primary health care;

(g) Removal of imbalances in health manpower development with special emphasis on enhanced supply of specialists, nurses and paramedics;

(h) Introduction of health insurance, at least for critical illness, while extending employees' social security; and

(i) Improvement in managerial capacity of the public health system.

72. New initiatives are being undertaken for:

(a) Provision of a village auxiliary in each census village to facilitate access to basic health units and rural health centres;

(b) Provision of primary health care centres in urban areas to reduce congestion in hospitals;

(c) Improvement of management of the public health system; and

(d) Promotion of child spacing as an integral component of the nationwide health care network.

73. A national health policy is being framed for 1990-2000 in support of these objectives with emphasis on preventive and promotional aspects. Services will be provided through a network of primary, secondary and tertiary health care facilities. The main emphasis will be on the improvement of quality of care in the public health system. For this purpose, health manpower will be trained in management and the facilities will be modernized in deficient areas.

74. The health sector priorities are mainly:

(a) Improved coverage and sustainability of immunization of children and women;

(b) Wider access and use of oral rehydration salts by the mothers when their children suffer from diarrhoea;

(c) Provision of trained birth attendants, at least one per village, and their better utilization by the communities;

(d) Community-scale acceptance and use of child spacing devices;

(e) Management of acute respiratory infections among children;

(f) Improved functioning of primary health care facilities particularly in the rural areas; and

(g) Upgrading secondary health care facilities, with the district and tehsil hospitals functioning as referral centres for the management of high risk pregnancies, diarrhoeal diseases and acute respiratory infections among children.

75. These priority areas require that a wide range of services should effectively link the communities with primary health care facilities and the tehsil and district hospitals. The packages of interventions are mutually supportive. Most of the services do exist but linkages with communities are weak particularly in the rural areas. Hence, the need to develop new communication skills to influence health workers' attitudes and the community's health behaviour.

76. The main strategy is to enhance mother-and-child health services at the nearest possible location for the community. This includes strengthening of the existing health delivery system by training the health care providers and broadening the base of health delivery by a new cadre of health care providers, namely community health workers (CHW). This measure will allow integration of the existing vertical preventive health programmes into the regular health system in a sustainable and affordable manner and steadily cover the entire population.

77. Priority will be given for selected health programmes specially geared to the health and nutrition goals of the NPA, including new schemes like community health workers, safe motherhood and school health.

78. The EPI programme has achieved high coverage by mainly using outreach/mobile teams. At present only 30 per cent of immunizations are performed at fixed centres, making the bulk of the programme expensive and difficult to sustain. Efforts will therefore be made to create the demand and provision of services from fixed centres of easy access for the settled population. This will also release the teams to reach the geographically or culturally hard-to-reach groups including the urban poor living in unauthorized settlements, brick kiln workers, migrant labourers and agro-pastoral groups. District health officers are responsible for defining and monitoring the population in their areas every month. In urban areas where municipal councils have their health delivery outlets, these will be included in the EPI network, together with major voluntary agencies operating in the low income areas. Under the Polio Eradication Plan, case detection and outbreak monitoring will enable the programme to identify areas/population groups still unreached. The plan of action includes mopping up operations in the areas where these cases are detected, using all antigens and not only polio. Special attention will be given to low income urban areas where the risk of contracting measles before nine months of age is high. The EPI programmes will liaise with the programme for children in especially difficult circumstances (CEDC) for detecting and including children who are not covered at present.

79. Tetanus toxoid coverage for pregnant women has reached 71 per cent. However, more efforts are needed to reach 90 per cent and especially the mothers most at risk. Surveys conducted by Global 2000 still report high incidence of neonatal tetanus. Further analysis of the survey report will give more information about the risk groups. At present, one clear finding is that cases tend to occur in the same family, pointing to the failure of the EPI to give protection for families known to be at risk. Advocacy for neonatal tetanus elimination will be one of the duties of CHWs when the programme will experiment with the use of CHWs in administering tetanus toxoid.

80. The programme for control of diarrhoeal diseases (CDD), during its next phase, will concentrate on reaching a larger number of health care providers with practical training in management of diarrhoea, including reaching the communities/families with information on how to take care of a child with diarrhoea and how to prevent diarrhoea.

81. An estimated one third of infant deaths occur due to acute respiratory infections. The national control of acute respiratory infections (ARI) programme aims to reduce mortality due to pneumonia in children below five by a third of the 1990 levels. Parents will be given messages about ARI and told when to look for help from the health professionals. However, media campaigns will be used for imparting messages only when the services are available and health staff have been trained in ARI management.

82. The primary health care (PHC) programme is seen as a multifaceted programme. Some of its components are better defined than others but all aim at reaching the same goals. Immediate measures include the training of a female CHW per village in one district of each province (total: 1,800 CHWs). The CHWs' duties will include basic mother and child health services, growth, monitoring, advocacy/assistance in immunization, counselling on birth spacing, health and hygiene education and minor ailments.

83. In order to have a successful CHW programme the services in the nearest health facility need to be improved, the staff have to be trained in primary health care and a functioning supervisory plus referral system developed. If there is a municipal health service available, it will also be included in the programme. CHW training will be organized both in rural and urban areas identified by the local council/authority.

4. Nutrition

84. Malnutrition among children and pregnant/lactating mothers continues to be an acute problem, little improvement having occurred in the past decade. The targets relating to moderate and severe malnutrition for the NPA aim at a reduction by 50 per cent. The following detailed targeting has been done to accelerate action on all fronts.

Protein/Calories malnutrition	1990	1993	1995	1998	2000
Low Birth Weight Babies %	25	20	15	13	10
Percentage of mothers breastfeeding:					
4-6 months (exclusive)	90	95	96	98	100
12 months	50	75	80	90	100
Children below 5 years %					
stunted	46	39	35	28	23
wasted	15	13	11	9	7
Daily per capita calories supply as % of requirements	100	102	103	104	107
Percent of household income spent on food	54	55	53	50	50
Micronutrient malnutrition %					
- Iodine deficiency disorders	3.0	2.0	1.5	1.0	0.0
- Vitamin-A deficiency: Xerophthalmia	1.0	1.0	0.5	0.3	0.0
- Iron deficiency anaemia in Women: Haemoglobin level %	45.0	23.0	20.0	17.0	13.0

85. Specific major activities in the field of nutrition are:

(a) Nutrition policy planning, coordination and support;

(b) Infant feeding;

(c) Control of iodine deficiency disorder (IDD);

(d) Prevention of vitamin A deficiency;

(e) World Food Programme-supported initiatives;

(f) PL-480 self-help measures for improvement of nutrition;

(g) Growth monitoring and nutrition surveillance;

(h) Control of anaemia among vulnerable groups;

(i) Nutrition support and training; and

(j) Research.

86. In addition, comprehensive projects will be designed specifically for maternal nutrition education, IDD control and vitamin A deficiency. Nutrition programmes will be launched through mother and child health centres and other health outlets. An integrated programme of training will be started to support a package of services - nutrition, diarrhoeal disease control, EPI and ARI.

5. Child labour

87. In rural areas of Pakistan, child work has been accepted as a norm and usually takes place within the family structure. Child work assumes the form of child labour when a child's services are hired on wages. Efforts are being made under the NPA to mitigate child labour.

88. The NPA aims to virtually eliminate kidnapping, forced labour and drug abuse. The strategy to achieve this will include following major planks:

(a) Promotion of advocacy, starting from the highest political level to the communities, as well as families, for social action to meet the needs and problems of children in difficult circumstances;

(b) Community-based activities to promote family, government and non-government efforts to safeguard the rights of the child;

(c) Ensuring greater coordination among social sectors to improve the quality of life leading to prevention of risks to the normal growth and development of children;

(d) Establishment of resource and information centres at appropriate levels; and

(e) Establishment of training centres for the personnel (both government and non-government) working for children.

89. The most important areas of action identified are:

(a) Review of legislation, to be completed by 1993;

(b) Basic education services for children, social education of parents, families and communities;

(c) Health services;

(d) Social welfare and community facilities;

(e) Inter-agency coordination.

90. Under NPA, the following activities will be carried out:

(a) Review of protective child legislation, in view of Pakistan's commitment towards implementation of the Convention on the Rights of the Child, within the Pakistani framework and to propose effective mechanisms to address or prevent the problems of children in difficult circumstances;

(b) Organization of conferences and seminars to enhance social awareness of the needs of children in difficult circumstances;

(c) Organization of training workshops for master-trainers, middle-level supervisors and field workers;

(d) Surveys/research to assess the magnitude of risks of child abuse, neglect and exploitation, so as to sensitize social development;

(e) Motivation of voluntary agencies to undertake preventive and promotional services for children in difficult circumstances;

(f) Counselling and guidance for guardianship and foster care of abandoned, orphaned and destitute children;

(g) Introduction and extension of early learning programmes for children;

(h) Introduction of early detection, assessment and referral services for disabled children;

(i) Establishment of more remand homes/reformatory schools for young offenders;

(j) Establishment of legal aid centres to guide and protect children from abuse, neglect and exploitation;

(k) Encouraging the establishment of children's libraries, parks and playgrounds;

(l) Expansion of special education programmes;

(m) Promotion of integration of disabled children in normal education to the extent possible.

6. Children with disabilities

91. Reliable data about the incidence of disability among children is not available. The NPA indicates that about 5 million children aged 0-14 years have one disability or another. Under NPA, a 50 per cent reduction of incidence is targeted. While the health sector aims to promote prevention of disability including that caused by micro-nutrient deficiencies and immunizable diseases through early detection and support of community-based rehabilitation, specific programmes to implement these strategies are still deficient. This is due to lack of facilities, training capacity and organizational and service delivery infrastructure.

92. Special education services for disabled children, although inadequate, are receiving great importance in the government as well as non-government sector. At present 12,475 children are receiving special education in 210 special education centres run by governmental and non-governmental organizations in the country. The vocational training and rehabilitation needs of disabled children are also receiving attention.

C. Monitoring arrangements for the goals

93. The first step towards monitoring is to identify a set of social indicators and process indicators desegregated on the basis of age group and gender, which will be used for keeping track of progress towards each of the

major and supporting goals included in the NPA. The indicators of 1991, as shown in annex A, will be reconfirmed and a coordinated system developed by the Statistics Division, jointly with UNICEF, to monitor changes in these indicators at the national level and at intervals appropriate to each goal.

94. The indicators will be determined for each province, Azad Jammu and Kashmir (AJK) and federally administered areas on the basis of information collected and analysed at that level. The monitoring system will take care of this need.

95. The next step would be to strengthen the existing mechanisms managed by the Federal Bureau of Statistics for regular collection at the district level of information relevant to the programme goals, defined for the district. The technical inputs and staff training required for the purpose will be arranged in collaboration with UNICEF. The Pakistan Institute of Statistical Training and Research will design and impart necessary training in data collection, survey techniques, sampling methods, data analysis and reporting procedures for personnel designated to monitor the goals. The provincial bureau of statistics will be relied upon for data analysis.

96. Institutional arrangements will be specially developed to gather information and prepare indicators based on periodic performance of numerous projects and activities carried out under a variety of agencies in social sectors such as mother-and-child health, disease control, protein-energy and micro-nutrients status, drinking water supply, sanitary facilities, primary education, literacy and children in a variety of difficult circumstances. It would be necessary to present many of these indicators disaggregated by male-female and rural-urban categories and, where relevant, by age group.

97. Data in respect of several indicators are routinely generated at present. Their quality and frequency need to be assured. For certain indicators such as maternal mortality and birth weight, appropriate sources have to be identified and energized. Periodic surveys would also be necessary to generate and/or validate data.

98. The various types of data actually originate from the community. Progressively, communities would be helped to own and monitor the cluster of goals as well as related services, through simple mechanisms managed by them and feeding in to the district-level system. This process will strengthen and expand local involvement in the system.

99. Pending the setting up of the monitoring arrangements outlined in the Islamabad Declaration (Annex-E), the progress towards the goals will be reviewed quarterly by an Implementation and Monitoring Committee (IMC) based on data monitored and supplied by the sponsoring/implementing agencies at the federal and provincial levels. The secretaries of the federal ministries/divisions concerned and the additional chief secretaries/chairmen of provincial planning and development departments/board would represent the sponsoring/implementing agencies. Each of the federal ministries/divisions, as well as the provincial planning and development departments/board, will designate a focal point to link effectively with the IMC. These arrangements

will, however, be subject to periodic review to ensure that the NPA is monitored as part of the Social Action Programme by the Planning and Development Division.

IV. CHILD SURVIVAL, PROTECTION AND DEVELOPMENT: PROGRESS MADE

100. Government's own views as well as the reports prepared by international agencies including the World Bank, UNDP and UNICEF point towards the long-term unsustainability of economic growth unless strategic shifts are made to improve social sector performance. Rapid growth of population has further aggravated the problem. Consequently, there is great pressure on services and the national development efforts are not bearing the desired results.

101. The following paragraphs describe progress made in some of the vital areas addressed by the Islamabad Declaration on Survival, Protection and Development of Children (see annex).

A. Health services

102. Pakistan along with other nations of the world is a signatory to the Alma-Ata Declaration of 1978 for the provision of health care to every citizen through the primary health-care approach, which also includes all support facilities necessary for the survival and development of the child, and subsequent resolutions of the World Health Assembly aimed at the achievement of Health for All by the year 2000.

103. In Pakistan, the federal Ministry of Health and provincial health departments provide health-care services through hospitals and other health outlets. A number of NGOs augment these services but only 55 per cent of the population has access to health services. In the rural areas the access is limited to 35 per cent, whereas almost all the urbanites have this access. In the health policy, specific attention is given to reducing infant and child mortality, curtailing severe undernutrition among children and mothers, and improving child survival and safe motherhood. The total health expenditure is about 3.5 per cent of GNP. There is one doctor for 2,910 people and one nurse per 4,900 people.

104. Conscious of the fact that health facilities are not adequate, the Government is trying to improve the health and nutrition status of the people through promotional, preventive and rural health services. Specific efforts are being made to provide greater health facilities in the rural areas and to improve the quality of health services. A cadre of community health workers to act as a bridge between the community and health units through SAP is being created. Medical facilities are also being increased and diagnostic and treatment facilities are now available for diseases like cardiovascular diseases, cancer, AIDS, tuberculosis and leprosy. Programmes for child survival/primary health care, drug abuse and nutrition are being strengthened and improved.

105. The infant mortality rate was around 150 to 180 deaths per 1,000 live births at the time of independence in 1947. This has declined to less than 100 in 1991, mainly due to improved health services and a successful immunization programme. Available evidence suggests that slightly more than

one third (36 per cent) of all deaths occur during infancy in Pakistan. Moreover, one third of all infant deaths occur within one week of birth. An additional 22 per cent of deaths occur in the second to fourth week. In other words, more than half of infant deaths are neonatal deaths that occur within four weeks of birth.

106. In order to combat high childhood morbidity and mortality due to infectious and communicable diseases, an immunization programme was initiated in 1978 to protect infants and young children against six common diseases and pregnant mothers against tetanus. This programme was greatly accelerated in 1982 with the collaboration of WHO and UNICEF. The Expanded Programme of Immunization is a major component of this scheme designed to provide universal immunization. The EPI Coverage Survey in January, 1991 found that the programme covered above 80 per cent of children (0-11 months) for all antigens except measles.

107. The Government has also launched an accelerated health programme (AHP) to provide immunization coverage to children and the training of traditional birth attendants (TBA) in each village. Under the programme, more than 86 per cent of children under two years of age and 76 per cent of children under five years have been fully immunized. As a result, the programme is saving 100,000 children from death and 45,000 from being disabled every year.

108. Maternal deaths, associated with complications of pregnancy and childbirth, are quite high. Four out of five deliveries are attended by traditional birth attendants or elderly women. Repeated and closely spaced pregnancies and births coupled with high parity pregnancies are found to result in a high incidence of maternal deaths. In Pakistan, it is estimated that around 500 maternal deaths occur per 100,000 live births.

109. High maternal mortality is a priority area as it has a direct adverse effect on survival, protection and development of the child. Under the health policy, coverage is provided to mothers through ante- and postnatal services performed at maternal and child health centres. These efforts are complemented by projects focusing on child survival and nutritional status through growth monitoring, adequate food supplementation and the promotion of breast-feeding. The child health-supporting goals of national health policy include eradication of poliomyelitis by the year 2000; elimination of neonatal tetanus by 1995; reduction by 95 per cent in measles deaths and reduction by 90 per cent of measles cases compared to pre-immunization levels by 1995; reduction by 50 per cent in the deaths due to diarrhoea in children under the age of five years and a 25 per cent reduction in the diarrhoea incidence rate; reduction by one third in the deaths due to acute respiratory infections in children under five years and protection of 30 per cent of couples by family planning methods.

110. The life expectancy at birth has increased from 35-38 years at the time of independence to close to 60 years around 1990. The single largest increase in longevity occurred after the 1960s. In the past, males in Pakistan, on the whole, enjoyed a longer life expectancy (3-4 years longer than females) because of higher female mortality at younger ages and during the reproductive years. Recently, this difference has been reduced.

111. The Government is committed to improving the quality of health services and the coverage of primary health-care services, especially in the rural areas, through its Basic Health Units and Rural Health Centres. The provincial health departments of the respective provinces also provide these services through their outlets. During 1991-92, 80-90 per cent of the physical targets of the rural health programme and hospital beds, 88-98 per cent of the targets of health manpower and 85-100 per cent of the targets under the preventive programme are likely to be achieved. This is reflected in the table below:

Physical targets and achievements, 1991-92

Subsector	1991-92 target (Number)	1991-92 achievements (Number)	Percentage achievements
A. Rural Health Programme			
1. BHUs	282	230	81
2. RHCs	26	21	80
B. Hospital beds	1 779	1 400	79
C. Health manpower			
1. Doctors	3 875	3 800	98
2. Nurses	2 200	2 100	95
3. Dentists	180	170	94
4. Paramedics	5 250	4 620	88
D. Preventive programme			
1. Training of TBAs	8 000	7 200	90
2. Immunization (000)	3 871	3 290	85
3. Oral rehydration salt (million packets)	112	112	100

Source: Planning and Development Division.

112. The private sector is also contributing in providing medical services to the people. In 1991, there were 8,729 private medical practitioners in Pakistan.

113. In total, the number of registered doctors has increased from 47,289 in 1989 to 55,772 in 1991 or by about 18 per cent. Registered nurses have increased from 15,861 in 1989 to 18,150 in 1991 or 14.4 per cent.

B. Nutrition

114. In spite of substantial improvement in the total food supply situation, malnutrition continues to be one of the serious problems in Pakistan. Though breast-feeding has remained the norm, breast milk is often improperly supplemented and weaning can take place too early or with the wrong foods.

As a result of these factors and sheer poverty, only 43 per cent of children nationwide are well-nourished. Besides protein energy malnutrition, there are serious problems of iron, iodine and vitamin A deficiencies.

115. However, the availability of major food items in terms of calories per capita has decreased slightly due to less availability of cereals. The overall availability of calories for 1991-92 per capita is estimated at 2,318 per day which is lower than 2,360 calories achieved last year. It is 9.1 per cent lower than the Recommended Dietary Allowance (RAD) which is 2,550 calories.

116. The protein intake in 1991-92 is 62.10 per capita/grams per day which is almost the same achieved during last year (1990-91) (62.02 per capita/grams per day). However, food availability and per capita calories/protein availability in 1989-90, 1990-91 and 1991-92 is shown in the table given below.

Food availability

Items	1989-90	1990-91	1991-92 (Estimated)
Cereals	164.74	145.17	144.10
Pulses	5.37	6.53	6.61
Sugar	27.02	27.39	29.98
Milk	107.60	108.62	111.41
Meat	17.27	17.70	18.33
Eggs	2.10	2.20	2.30
Edible oil	10.33	9.99	10.13
Caloric and protein availability			
Calories per day	2 534	2 360	2 318
Protein per day (gram)	65.47	62.02	62.10

Source: Planning and Development Division.

C. Water and sanitation

117. Provision of clean water and proper sanitation is inadequate. Only 45 per cent of the rural population have access to clean water and only 10 per cent to proper sanitation. Coverage is better in towns, but lack of sanitation and proper solid waste disposal are two of the many problems faced by the population residing in the katchi abadies of urban squatter settlements. Fortunately, experiments in community-based provision of water and sanitation have been successful, and are now receiving increased public sector support.

D. Literacy and education

118. The level of literacy is an important indicator of a country's well-being, as illiteracy perpetuates poverty across generations. According to the Economic Survey of Pakistan, 1991-92, the literacy rate is estimated at 34 per cent. The rate for males is estimated at 45.5 per cent while for females it was 21.3 per cent.

119. It is estimated that during 1991-92, an additional number of 1,270,000 children (923,000 male, 347,000 female) have been enrolled at the primary stage, 293,000 (172,000 male, 121,000 female) at the middle stage and 170,000 (112,000 male and 58,000 female) at the secondary stage. The number of female students enrolled up to the secondary stage is only one third of the total. Enrolment (estimated) in educational institutions for the years 1989-90, 1990-91 and 1991-92 is given in the following table:

Estimated enrolment in education

Institutions by kind, level and sex
(Progressive)

Level of education	1989-90	1990-91 (E)	% Increase	1991-92 (E)	% Increase
Total primary (I-V)	10 283	11 451	11.4	12 721	11.1
Female	3 337	3 689	10.5	4 036	9.4
Total middle (VI-VIII)	2 598	2 893	11.4	3 186	10.1
Female	771	879	16.3	1 018	13.5
Total high (IX-X)	912	1 068	17.1	1 220	14.2
Female	264	317	20.1	371	17.0
Total secondary/vocational	108	117	8.3	135	15.4
Female	33	35	6.1	39	11.4
Total arts and science colleges	469	496	5.8	527	6.3
Female	165	182	10.3	199	9.3
Total professional colleges	75	76	1.3	79	3.9
Female	19	20	5.3	22	10.0
Total universities (number)	73 382	77 400	5.5	82 040	6.0
Female (number)	10 310	10 600	2.8	10 887	2.7

Source: Economic Survey of Pakistan 1991-92.

E: Estimated.

120. Total outlays for education during 1991-92 is Rs. 27.79 billion (Rs. 3.70 billion development and Rs. 24.09 billion current expenditure) which is 17.9 per cent higher than last year's expenditure of Rs. 23.57 billion. Outlays for education in 1992-93 are 2.3 per cent of GNP showing the same level attained in 1990-91. (The recommended level prescribed by UNESCO is 4 per cent of GNP for developing countries).

121. Article 37 of Pakistan's Constitution provides that the State shall "remove illiteracy and provide free and compulsory secondary education within a minimum possible period". This is comparable to article 28 of the Convention. Primary education is thus a high priority area in Pakistan.

122. The primary school participation ratio in Pakistan is 83 per cent for boys and 49 per cent for girls. At the secondary level, it goes to 26 per cent boys and 11 per cent girls. There are twice as many primary schools for boys as for girls. Primary education in Pakistan is further characterized by drop-out and repeater rates which are considered to be among the highest in the world. Only 50 per cent of the students who enter primary school complete the five years of schooling. Students, on the average, go to school for 1.7 years, which is very low compared to the average year of schooling in other developing countries. As stated earlier during the 1990s, Pakistan will aim at a completion rate at the primary level of 80 per cent.

123. The limitations which have obstructed universalization of primary education include: (a) low female participation rates because of insecurity of girl students and distance of homes from schools; (b) rapid increase in the population of the 5-9 age group; (c) drop-out rate of up to 40 per cent; (d) lack of access to primary schools; (e) resource availability; (f) school hours; and (g) opportunity cost.

124. Despite limitations, Government has evinced keen interest in the expansion and promotion of primary education. A scheme of 50 per cent matching grants for the establishment of new schools and educational institutions has been launched to encourage the participation of the private sector in the field. Under the SAP, a sum of Rs. 1,773 million has been allocated for national and provincial education foundations to provide funds to the private sector and NGOs on a matching basis. Universalization of primary education (particularly among girls) is the focal point of the programme.

125. In order to increase the participation rate, the Government has launched a countrywide motivational campaign through radio and printed material to motivate parents/guardians to send their children for primary schooling.

126. Massive primary education projects for the universalization of primary education have been/are being launched with foreign assistance for qualitative improvement and quantitative expansion of primary education. Some of the projects are:

(a) Second Primary Education Project (Sindh, NWFP and Balochistan);

(b) Third Primary Education Project (Punjab);

(c) Asian Development Bank Girls' Primary Education Project (all provinces);

(d) Development of elementary education in Punjab; and

(e) Primary Education Expansion and Development Project (Sindh).

127. The Ministry of Education holds every year a National Conference of Primary Education Teachers with the following main objectives:

(a) To promote primary education;

(b) To ascertain the problems facing primary education and grass-roots-level teachers;

(c) To encourage healthy competition among the teachers of primary education; and

(d) To provide a forum to primary school teachers for exchange of experiences and to benefit from one another.

128. A hygiene project has been launched in Islamabad district with the assistance of UNDP/WHO. The main objective of the project is to train children/teachers of primary schools of rural areas of Islamabad to improve personal hygiene and sanitation in schools, at home and in the community through the preparation and inclusion of adequate learning modules in the curriculum of these schools and the construction of toilets/latrines and provision of safe drinking water facilities (water purifiers/filters) in the schools to complement the training.

129. A new tier of learning coordinators has been introduced in the primary education system to check the absenteeism of teachers and to provide professional support to teachers. The main emphasis has been on on-the-job training and retraining of teachers. The supervisory management components of primary education are being strengthened and improved through the establishment of a separate primary education directorate in the provinces.

130. In order to achieve universalization of primary education, a federal education fee shall be levied and collected from industrial concerns for the establishment of middle schools (class 1-8).

131. A resolution has also been passed by the Senate urging Government to ensure compulsory and free education to all its citizens at the primary level. The education departments of four provinces have been requested to initiate necessary steps/action for the implementation of the resolution.

E. Population welfare programme

132. Since the rapid growth of population has been nullifying the benefits of all development efforts, the Pakistan population welfare/family planning programme is being strengthened and expanded. The main objective of the programme is to bring down the population growth rate from 3.1 per cent in 1991-92 to 2.6 per cent by 2000. Efforts are being made to accelerate the

implementation of the programme by increasing the rural coverage from 5 per cent to 25 per cent and by introducing a family planning component in a phased manner in all the 7,804 rural health outlets. The main steps include:

(a) Training of lady doctors in contraceptive surgery at district and tehsil levels;

(b) Provision of mini-lap kits and other equipment;

(c) Setting up 130 mobile service units to cover larger villages where no health or family planning services exist;

(d) Involving 25 union councils, with the support of concerned members of National Assembly, for introduction of family planning on an incentive basis as part of the Tameer-e-Watan Programme;

(e) Ensuring effective use of communication by adopting a disaggregated approach and designing suitable material for various segments of society such as rural areas, the working class and educated persons so as to create awareness and reinforce social acceptability to a level where a small family norm becomes the way of life;

(f) Ensuring visible and sustained political support; and

(g) Creating divisional and tehsil tiers for strengthening the supervision and monitoring of the programme at the implementation level.

133. Achievement of the programme goals will reduce pressure on resources and the country will be able to manage socio-economic problems easily. The target seems to be within reach as general consciousness of the problem is increasing and a growing number of families are realizing that unchecked population growth is hampering their own well-being as well as national progress.

F. Children with disabilities

134. Reliable data about the incidence of disability among children are not available; disabilities, physical and mental, are widespread but under-reported. Lack of facilities to diagnose and treat disability, and a widespread fatalism, are causes of this under-reporting. One useful study was a survey of 2 million people is Islamabad and Rawalpindi districts conducted by the Directorate General of Special Education in 1986. The survey reported the prevalence of disability in the population as 2.6 per cent, as though some estimates derived from other micro-studies would greatly exceed this number. Physical disability at 33 per cent was the largest category. Children up to age 14 made up 43 per cent of the disabled, a very high proportion indeed.

135. In general, rural rates of disability are double the urban rates, with the exception of motor disabilities which are over three times more common in rural areas. The rate of all categories of severe disability is higher for boys than girls. The causes of disability are numerous and include:

(a) Malnutrition of mothers and children including micro-nutrient deficiency;

(b) Genetic factors;

(c) Prenatal or parental damage;

(d) Infectious diseases (including ear and eye infections);

(e) Other factors including environmental pollution.

136. Special education services for disabled children are inadequate. About 12,475 children in the age group 5-14 years are enrolled in 210 special education centres run by governmental and non-governmental organizations. Only a few children with minor disabilities attend the regular educational institutions.

137. New strategies have been adopted for delivery of services to the maximum number of disabled children particularly for rural areas and urban slums. Those programmes include community-based rehabilitation projects, outreach and integration. Special projects have also been launched for early detection of disabilities, vocational training of the disabled and training of personnel.

G. Children in difficult circumstances

1. The working child

138. Quantifying child labour in Pakistan is an almost impossible task. The 1981 census reported 2.01 million children between the ages of 10 and 14 as "working". A small increase in this figure would be consistent with the increase in population and the decrease in the age-specific labour force participation rate reported by successive labour force surveys. There were also 3.9 million girls aged between 10 and 14 reported as "housekeeping" in the 1981 census. This data does not cover children below the age of 10, and is also likely to underestimate children working on farms and in the urban informal sector.

139. A number of laws in Pakistan in fact ban the labour of children under the age of 15 in a variety of settings and regulate conditions of employment of youths between 15 and 18 years of age. Unfortunately, in spite of this legislation, child labour is still prevalent in the country due to prevailing economic conditions. However, the Governments and non-governmental organizations in the social welfare sector in collaboration with UNICEF are striving to reduce the exploitative nature of child labour. Accordingly, 176 centres for children working in different trades have been set up where they receive education, health care and recreational services. The employers and parents of these children cooperate fully in this scheme.

2. Children in institutions

140. The prevalence of the extended family system in Pakistan is a source of strength, especially for children. Physical disturbances of a routine nature in the family generally do not adversely affect children as much as they do in the industrialized countries. However, in case of dire destitution, breakdown of the family due to separation or divorce and at times due to the death of parents in an isolated family, children are rendered helpless. Children of

such families can be placed in children's homes, known as orphanages. About 5,000 children are currently living in 42 orphanages, including SOS Children Homes managed mainly by non-governmental organizations.

141. The problem of abandoned children is judged to be small in quantitative terms. Guardianship of abandoned babies is awarded, with priority to couples without children of their own. Very young children often accompany their accused or convicted mothers to jail. Such children are confined to jails with their mothers and are deprived of opportunities for normal life during a vitally important period of growth.

H. Children subject to abuse and neglect

142. Drug abuse affects more people than just the individual addict. The economic burden, the social problems of living with an addict, the increasing risk to children themselves being introduced to drugs or of being pushed to be drug couriers, all make drug abuse a great threat to children as well as women.

143. Article 33 of the Convention relates to the right of the child to protection from the use, production and distribution of drugs. As mentioned, Pakistan is a party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Article 3(5)(g) of the Convention requires the parties to ensure that their courts and other competent authorities take cognizance of narcotic offences committed in a penal institution or in an educational institution or social service facility or in their immediate vicinity or in other places to which children and students resort for educational, sports and social activities. Accordingly, suitable provisions in the draft comprehensive Law on Narcotics have been incorporated in conformity with the above requirements and the country's own requirements. This will also meet the requirements of article 33 of the Convention on the Rights of the Child. The draft law is not yet finalized as comments from some international agencies are still awaited.

144. In the meantime, a number of administrative, social and educational measures have been taken through drugs demand-reduction projects/programmes, launched throughout the country. The Drug Abuse Prevention Resource Centre has been established to support and mobilize local, provincial and national efforts to control drug abuse in the society.

145. The Integrated Drug Demand Reduction Programme is an innovative and effective programme for the prevention and treatment of drug abuse. This project has four immediate objectives:

(a) To improve the competence of newly trained teachers in the application of an infusion approach to drug education;

(b) To promote more effective drug abuse treatment responses of professionals, volunteers and drug users;

(c) To support regional training and material resources for treatment;

(d) Establishment of prototype intervention teams for delivery of community-based activities such as seminars, workshops, counselling and referrals in drug-related matters.

It is hoped that the above measures/programmes will go a long way towards saving children from the menace of drug abuse.

I. Right to leisure, play and participation

146. In compliance with article 31 of the Convention, the Pakistan National Council of the Arts (PNCA) and Lok Virsa, under the Ministry of Culture and Sports, are already engaged in ensuring the provision of requisite facilities and environment to the child so that he/she can enjoy the right to leisure, play and participation in cultural and artistic activities covering multifarious fields such as music, dancing, speech, writing, painting, etc. A few of the activities undertaken are described below.

147. PNCA has established children's arts workshops all over Pakistan with the parent body in Islamabad. Provincial and city councils also have a separate section for children. In these workshops various activities like speech contests, essay writing contests and music competitions, both vocal and instrumental, are held.

148. Since its inception in 1973, PNCA arranged to send instructors to various schools for imparting training in music, painting and dance. Now, every institution in Islamabad and other urban areas has its own arrangements. They hold annual programmes based on various aspects of the arts.

149. The Ministry of Culture organizes melas and festivals exclusively for children especially on Universal Children's Day in which competitions in music and dance and contests in speech and essay writing are held. These festivals are held first at the provincial level and then on the national level: Prizes, certificates and trophies are awarded to the top position. Similarly, on Independence Day and Pakistan Day, melas and festivals for children are held all over Pakistan.

150. Encouraged and sponsored by the Ministry of Culture, child artists have participated in numerous exhibitions abroad. Their paintings have earned distinctions and recognition in international events held at different places.

151. There is a children's music group which has toured many countries and has received warm applause for their high-level performance and talent in music and dance.

152. The Ministry of Culture has been actively working on the concept of establishing children's palaces all over Pakistan. These palaces would provide training facilities for expression to the children after their school hours and during their long vacations.

J. Role of the media

153. Article 13 of the Convention relates to the media. The Constitution of the Islamic Republic of Pakistan provides for the right of the people to

freedom of expression, thought, conscience and religion. Already freedom of expression, association and thought is being practised in the country within legal and socio-cultural limits. The Government of Pakistan is doing its best to provide basic necessities and protect the rights of children in various spheres including education, health, etc. and other facilities required by children. Similarly, the media in Pakistan are also projecting and promoting the basic rights of children through various programmes. There is no bar to children having access to information except those limits provided by law and the moral and social code of society.

154. In pursuance of article 17 of the Convention regarding access to appropriate information to the child, the electronic media, i.e. radio and television have been devoting a substantial part of their programmes to the task of character-building of the children.

1. Radio

155. All the stations of the Pakistan Broadcasting Corporation have been broadcasting imaginative and innovative programmes on the survival, protection and development of the child. Such programmes, in national and regional languages, are broadcast under the institutional policy of Radio Pakistan which places a very high emphasis on the child's welfare and development in all regions. A special series of programmes devised at various stations of Radio Pakistan covering the following subjects:

(a) Rights of the child, especially of the girl child, within the framework of Islamic social order;

(b) Children to have access to free and compulsory primary education;

(c) Child labour and abuse of children;

(d) The Islamic concept of loving care of children, particularly compassion for orphans and underprivileged children;

(e) Communication support to child immunization programmes - motivation and advocacy;

(f) Communication support to oral rehydration therapy - motivation and practice;

(g) Child nutrition, health and hygiene and breast-feeding.

2. Television

156. Ever since its inception, PTV's telecast policy concerning various matters of national and international interest has been guided by the cardinal principle of educating children for their intellectual growth, and the values that are vitally important in building character.

3. The press

157. The print media have been publishing special features on aspects related to child survival, protection and development in addition to weekly magazines for women and children. Special supplements are also published to highlight children's issues on special days and occasions.

K. Capital punishment

158. Article 37(a) of the Convention provides that neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age. According to section 45(1) of the Punjab Youthful Offenders Ordinance, 1983 (and in similar laws in other provinces) no offender below the age of 15 years shall be sentenced to death or transportation or any imprisonment. However, a young person even below the age of 15 years who has reached puberty can be given the punishment prescribed by the hudood laws.

L. Social sector programmes

159. To further ensure implementation of the Convention, the concerned social sector departments of federal and provincial governments have been requested to review their current programmes and policies as well as existing legislation concerning their sector in order to harmonize those with the provisions of the convention; and suggest new legislation, if required, for the aforesaid purpose.

160. Apart from public sector programmes, the NGOs in Pakistan have played an important role in the realm of social welfare, especially in providing institutional care and services to the orphans, the needy and destitute children. Consequently, several child-specific welfare projects like Abandoned Babies Home, Creches for Children of Working Women, SOS Villages, educational institutions and health service outlets have been functioning under the aegis of various NGOs in different parts of the country. The NGOs' services, over the years, have increased widely in coverage. This has greatly augmented the Government's efforts in meeting the special needs of children.

M. General measures of implementation

161. In addition to the progress made in the vital areas discussed earlier, the steps described below have also been taken to implement the Convention.

162. The Prime Minister has established a National Children's Fund with an initial grant of US$ 2 million for programmes benefiting children. Donations to the Fund will be exempted from taxes.

163. The Bait-ul-Mal scheme has been commissioned as social security for the destitute and indigent. This scheme will protect children from abuse and exploitation due to the poverty of parents and guardians.

164. Special postage stamps were issued by the Pakistan Post Office Department on the eve of the World Summit (29 September 1992) and the SAARC Year of the Girl Child (21 November 1990).

165. The Prime Minister has advised parliamentarians to accord priority to children in Tameer-e-Watan programme as part of the SAP.

166. The Government has also adopted a National Programme of Action for Children with the priorities of education, health, nutrition as well as services for children in difficult circumstances.

167. Pamphlets on the rights of the child have been printed in English and Urdu (the national language of Pakistan) and widely circulated with the objective of making the rights of child widely known by children themselves as well as by other members of the society.

168. Efforts are afoot to include a chapter on the rights of the child in school curricula.

169. The orientation of teachers, NGOs and local councillors on the rights of children has been planned.

170. A booklet entitled "Discover the Working Child" has been printed with UNICEF's collaboration in order to highlight problems of working children and enlisting cooperation from the public in protecting the former from exploitation and restoring some of their basic rights. An Urdu version of the book has also been printed for wider understanding of the problems of working children and creating greater awareness of the problems of child workers.

171. The existing legislation concerning children is being compiled in a single comprehensive document. It will provide an overview to organizations and individuals about legal protection available for children.

172. The Law Commission has been asked to review the enforcement mechanisms of legislation concerning children in order to make them more effective.

173. Apart from the foregoing, conscious efforts are being made to introduce relevant provisions of the Convention in the ongoing special education and social welfare programmes in the country.

174. A National Task Force comprising representatives of relevant governmental and non-governmental organizations, headed by the Minister of Social Welfare, has recently been set up to speed up the pace of enforcement of the Convention.

175. Apart from some of the major areas falling within the ambit of the Convention discussed above, other substantive articles of the Convention dealing with areas like the right of the child not to be discriminated against by reason of race, colour, area of origin, ethnicity; the right of inheritance; protection of the law against interference or attack; the right to enjoy his or her own culture or profess and practise his religion or to use his own language; protection against deprivation of liberty unlawfully or arbitrarily, are provided for in the Constitution of Pakistan for all citizens, including children. As for eradication of illiteracy and provision of free compulsory education, the law does provide for compulsory primary education but due to various constraints it is not being enforced. As for the

orphans and handicapped, they are covered according to the general principles and teachings of Islam regarding orphans and destitute children. As regards special protection to be granted to refugee children, Pakistan has successfully tackled the problems of Afghan refugee children.

176. It is evident from the foregoing that Pakistan to a large measure has been able to meet its obligation under the Convention on the Rights of the Child. The process of enforcement of legislation in Pakistan to protect children from violation of their rights and enforcement of various provisions of the Convention on the Rights of the Child have been slow, as in other developing countries, because of the existing socio-economic milieu and financial constraints. As a result, a great number of children are still deprived of their basic rights which are vitally important for their survival, protection, development and general well-being.

V. CONSTRAINTS ENCOUNTERED IN IMPLEMENTATION OF THE CONVENTION

177. Ever since ratification of the Convention on the Rights of the Child by Pakistan, several preparatory steps have been taken with a view to examining the existing constitutional provisions and relevant laws in the light of various articles of the Convention. Accordingly, studies were undertaken, meetings and conferences held and consultations made with various federal ministries/divisions and the provincial governments which are concerned with the policy and implementation of various provisions of the Convention. As most of the articles of the Convention do not come into conflict with any provisions of the Constitution of Pakistan and Islamic precepts, efforts have been made to implement these provisions to the extent possible within Pakistan's socio-cultural and economic milieu. The progress made in this regard has, by no means, been small. Sufficient ground has been covered and the action plan, which is part of the Eighth Five-year Plan, prepares to do more substantial work in a planned and coordinated manner in the coming years.

A. Difficulties and constraints

178. During the process of implementation after ratification of the Convention by Pakistan on 12 November 1990, following factors and difficulties were encountered:

(a) Insufficient linkages, liaison and coordination between the concerned federal and provincial agencies and the policy-formulating and coordinating agency in respect of the Convention;

(b) Inadequate awareness among the general masses about the rights of the child;

(c) Ineffective enforcement of existing legislations and absence of legal coverage in certain areas;

(d) Resource constraints;

(e) Rapid population growth;

(f) Insufficient database information;

(g) Slow growth of institutions for child welfare, guidance and protection services.

B. Remedial measures

179. The proposals described in the following paragraphs are made to streamline the system and to develop a mechanism for effective implementation of the Convention and for the timely preparation of subsequent progress reports.

1. Linkage, liaison and coordination

180. An enthusiastic response has been evoked among the various concerned federal ministries/divisions and provincial governments to implement the Convention. But there has been little linkage, liaison and coordination among them, particularly with the National Commission for Child Welfare and Development (NCCWD), the policy-formulating and coordinating agency of the Convention for the Rights of the Child. An effective mechanism, the National Task Force, has, however, been formulated for this purpose.

2. Awareness campaign

181. Under the auspices of the public sector initiative, a more effective campaign will have to be launched to stimulate public awareness highlighting the nature and magnitude of the problem of the child population. The fact that children under 18 years of age constitute about half of the population and that on their proper nurturing, training and education hinge the future of the country and generations yet to come, should be effectively brought home to the people.

3. Effective enforcement of the existing laws affecting children

182. Although adequate legal provisions exist to regulate and guarantee the rights and privileges to the child, yet these legal provisions are not being implemented effectively for a variety of reasons; for example, there is a law concerning compulsory education, but it has not been implemented. Likewise, child labour laws exist but are not adequately enforced.

183. There is a need to initiate and enact new legislation ensuring certain rights of the child so as to harmonize as far as possible national laws and policies with the provisions of the Convention. All appropriate authorities need to be advised to take early necessary action accordingly.

4. Resource constraints and involvement of the voluntary sector and international agencies

184. The Government of Pakistan is making all-out efforts to mobilize its resources for ensuring adequate provision of funds for implementation of the National Plan of Action (NPA) for children but external support to supplement and reinforce the Government's efforts are needed. International assistance would be of great value in this regard. The responsibility and resources for

action in the social sectors, with the exception of social welfare, rest with the provincial governments. By the very nature and magnitude of the task involved in achieving the goals for children, the involvement of local communities and their representatives in the district and union councils is essential. The NPA provides the framework within which detailed and feasible programmes could be formulated at local level and coordinated by each of the provinces to achieve goals as stipulated in the Convention.

185. Pakistan respects the principle that meeting the basic needs of children should be the joint responsibility of the family, the community and the country. It is the policy of the Government, particularly in the context of the Eighth Plan, to step up investment in the social sectors, both for development and maintenance, by mobilizing domestic and external resources for primary education, basic health, nutrition and rural water supply. The goals of children and development in the 1990s are the leading edge of this national priority. However, nothing short of a national mobilization of financial and other resources would meet the demands represented by the goals set for children for the decade.

5. Rapid population growth

186. The number of children below 15 years of age, estimated at 52 million in 1990, is expected to rise to 74 million by the year 2000. As a proportion of the total population they were 41 per cent in 1961 and not less than 44 per cent by 1990. During these three decades, the number of females of child-bearing age has gone up from 7.6 million to 24.1 million. In 1990, only 11 per cent of married women had ever used any contraceptive method. The total fertility rate of 6.5 is significantly higher than the other countries of South Asia. The growth of population, at the current rate of 3.1 per cent a year, has slowed down progress towards social goals and has put severe strain on the rural and urban environments. At the same time the high birth rate is, to a considerable extent, a consequence of the relative neglect or failure of human development. It is imperative that immediate effective measures be taken to dampen the population growth.

6. Database information

187. It is necessary to strengthen the existing mechanism managed by the Federal Bureau of Statistics for regular collection at the district level of information/data relevant to the goals for children. Institutional arrangements should be specially developed to gather information and prepare indicators based on periodic performance of numerous projects and activities under a variety of agencies. Their quality and frequency need to be assured. The Federal Statistics Division has already identified social indicators for effecting implementation in the quality of life, on the basis of a workshop/seminar held at Lahore in 1991.

7. Monitoring mechanism

188. A strong monitoring mechanism should be developed to ensure effective implementation of each individual article of the Convention by the concerned government agencies and relevant NGOs. In case an article concerns more than one agency, the most relevant and suitable agency should be made principally

responsible to ensure proper understanding and implementation of provisions of that article. Legislative and administrative changes, if required, will be proposed by the National Commission for Child Welfare and Development.

189. NCCWD has been designated as lead agency for the purposes of implementation of the Convention. The administratively responsible agency would report the progress made and the difficulties encountered in the process of implementation with their possible remedies twice a year to the NCCWD.

8. Greater involvement of NGOs

190. Planned efforts shall be made to further mobilize the NGOs to play a greater and more effective role in supplementing government programmes, especially those designed to serve the child population of the country in a more systematic and holistic manner. Professional guidance and financial assistance may, however, be provided by the Government. Such an approach would, indeed, open up new vistas of service for the survival, protection and development of children.

9. Strengthening of NCCWD

191. At Federal level, located in the Special Education and Social Welfare Division, has been designated to coordinate policies related to children and monitor implementation of the Convention. At provincial government level, this task has been assigned to the respective commissions for child welfare and development in the directorates of social welfare departments. The commissions need to be strengthened in order to be more effective. Effective and more meaningful liaison should be established and a system for close collaboration with all concerned agencies in the Government and the NGOs devised so as to ensure proper implementation of the Convention and timely reporting on progress.

10. Effectiveness of the National Task Force

192. The National Task Force comprising representatives of relevant government departments and NGOs has since been set up to speed up the pace of implementation of the Convention. The Task Force shall be made effectively functional and a phased workplan developed to undertake the work of implementation in a more systematic manner.

CONCLUSIONS

193. The foregoing discussion reflects Government of Pakistan's commitment to the well-being of children. It also shows that adequate measures have been taken within the context of limitations to ensure implementation of various articles of the Convention of the Rights on the Child.

194. The NPA will serve as a 10-year perspective for the major elements of Pakistan's Social Action Programme. The SAP itself is among the main thrusts of the Eighth five-year Plan (1993-1998). Thus, the NPA, is not a self-terminating special programme to address an urgent or a specific problem but an essential part of the overall planning strategy, and a policy framework is being evolved for taking Pakistan into the twenty-first century.

195. In concluding, the Government of Pakistan's commitment to implement the Convention is reaffirmed. It is hoped that during the following years, greater support of all relevant governmental and non-governmental organizations will be mustered for the realization of the standards set by the Convention towards the survival, protection and development of children. It is also expected that UNICEF, along with UNESCO, WHO, ILO and other United Nations bodies, will continue to extend support in fulfilment of the objectives towards the realization of the rights of each child in Pakistan.

UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.14
29 June 1993

ENGLISH
Original: RUSSIAN

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

BELARUS

[12 February 1993]

CONTENTS

		Paragraphs	Page
INTRODUCTION		1 - 20	2
I.	GENERAL MEASURES OF IMPLEMENTATION	21 - 27	5
II.	DEFINITION OF THE CHILD	28 - 35	6
III.	GENERAL PRINCIPLES	36 - 40	7
IV.	CIVIL RIGHTS AND FREEDOMS	41 - 52	8
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	53 - 65	10
VI.	BASIC HEALTH AND WELFARE	66 - 82	12
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	83 - 99	16
VIII.	SPECIAL PROTECTION MEASURES	100 - 119	20

GE.93-17387 (E)

INITIAL REPORT OF THE REPUBLIC OF BELARUS ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Introduction

1. The Republic of Belarus is situated in the central part of Europe and borders on Lithuania, Latvia, Russia, Ukraine and Poland. It covers an area of 207,600 sq km and is divided into six regions (oblast). Its capital is Minsk.

2. In the early twentieth century, Belarus, which had been part of the Russian Empire, enjoyed a brief period of independence. This lasted from 1 January 1919 until 30 December 1922, after which Belarus became Republic of the Soviet Union.

3. A crucial political and economic event in the country's history was the adoption on 25 August 1991 of the Act conferring the status of constitutional law on the Declaration by the Byelorussian Supreme Council of State Sovereignty of the Byelorussian Soviet Socialist Republic and of the Ordinance on safeguarding the political and economic independence of the Byelorussian SSR. In December 1991 the Agreement establishing the Commonwealth of Independent States was signed, the 1922 treaty on the establishment of the Union of Soviet Socialist Republics was denounced, and the Constitution of the USSR was declared null and void in the territory of Belarus.

4. The current population of Belarus is 10,280,800. Of this number 4,827,900 (49.9 per cent) are men and 5,452,900 (53.1 per cent) are women. The urban population is 6,952,100, and the rural population 3,328,700.

5. Overall, the mean lifespan is 70.7 years (65.5 years for men and 75.5 years for women). In the urban population, mean lifespan is 71.3 years (66.5 years for men, 75.7 years for women); among the rural population it is 68.7 years (63.2 years for men, 74.7 years for women). Speakers of the mother tongue comprise 77.7 per cent of the total population. The composition of the population by nationality is as follows: Belarusians - 1,151,800; Russians - 342,000; Ukrainians - 291,000; Poles - 417,700. Other nationalities are also represented.

6. The basic indicators of social and economic development for the Republic are as follows: gross national product at current prices amounted to 30 billion roubles in 1985, 40.4 billion roubles in 1990, and 71.8 billion roubles in 1991. Growth by comparison with 1985 was 124 per cent in 1990 and 122 per cent in 1991.

7. The weakening, and in some cases breakdown, of the economic relationships which characterized the industrial and intersectoral specialization and cooperation in the economy of the former Soviet Union, have been detrimental to the overall economic and social situation in Belarus and are making the current transitional period more difficult for the Republic. According to the State Committee for Statistics (GOSKOMSTAT), between January and September 1992 national income fell by 15 per cent; manufacturing output fell by 785 enterprises (58.1 per cent of the total number); meat production fell

by 135,200 tonnes (23.2 per cent), butter production by 30,100 tonnes (27.8 per cent) and production of whole milk products by 134,800 tonnes (10.7 per cent). The only production rises concerned cereals (+ 665,000 tonnes) and, consequently, bread and bakery products (+ 13,000 tonnes or 1.3 per cent).

8. Over the same nine months in 1992, personal monetary income rose by a factor of 6.5 compared to the period from January to September 1991. Average monthly pay for industrial and white collar workers was 3,373 roubles. Retail prices for consumer goods and services rose by a factor of 9.3.

9. The deterioration in the economic situation in Belarus and the fall in living standards have had undesirable social consequences, including a worsening in the country's demographic trends.

10. In 1991, the number of births (135,000) was 29,900 fewer than in 1985. Births during the first nine months of 1992 were 7,500 fewer than during the same period of 1991. The mortality rate per thousand children below the age of 15 was 10.6 in 1985, 10.7 in 1990 and 11.2 in 1991. The infant mortality rate (deaths before the first birthday per 1,000 live births) was 14.5 (number of deaths 2,439) in 1985, 11.9 (1,732) in 1990, and 12.1 (1,616) in 1991. In 1991 the population of the Republic grew by 0.2 per cent, while the urban and rural populations grew by 0.1 and 0.15 per cent respectively.

11. A major factor in the deterioration in the health of the population has been the accident at the Chernobyl nuclear power station, the worst effects of which were felt in the territory of Belarus.

12. In contaminated areas, there has been an increase in anaemia among expectant mothers and in the number of premature births. In Mogilev region, for example, the incidence of perinatal anaemia was 9.4 per cent, a figure five times higher than before the accident. Children have still not been evacuated from the danger zone. According to GOSKOMSTAT, there are 485,900 children below the age of 14, and 129,200 young people above the age of 14, living in the contaminated areas.

13. Studies of the health of children living in the contaminated areas have shown a significant increase in the incidence of diseases affecting the ear, nose and throat, bile ducts and digestive organs (between 40 and 80 per cent above the incidence in unaffected areas). There has also been an increase in chronic diseases of the haematopoietic and lymphatic systems. Between 40 and 60 per cent of schoolchildren exposed to radiation show signs of cardiovascular dysfunction. The number of children born with congenital deformities has increased by between 15 and 20 per cent in the contaminated areas. Congenital anomalies account for 20 per cent of child mortality. The increase in the incidence of thyroid disorders has been particularly marked, and exceeds the maximum levels noted elsewhere in the world.

14. Apart from physical health problems, the moral and mental health of children is a major problem facing Belarus in the changed economic and social conditions. The number of offences committed by minors is increasing. During a seven-month period in 1992, 4,373 offences were committed by minors, which

marks a 19 per cent increase over the same period of 1991. The nature of prostitution is also changing, and there are now 45 registered under-age prostitutes. The growing wave of drug and toxic substance abuse, which affects principally young people, is a serious threat.

15. The level of criminality among minors is being affected by phenomena that are new to Belarus. The number of young people who are neither undergoing education nor in employment is rising at a disastrous rate, and this problem is compounded by the lack of structured leisure activities and the fall in living standards.

16. At the beginning of October 1992, 14,900 persons were registered with the Employment Centre as unemployed and 12,600 people were receiving unemployment benefits. To date during 1992, 3,600 secondary school leavers have asked for assistance in finding employment. Of that number, 1,700 have been found employment and 110 have been registered as unemployed.

17. The rights and freedoms of citizens of Belarus and of foreigners and stateless persons are guaranteed by the Constitution (the Basic Law, December 1978), by the Declaration of State Sovereignty of the Republic of Belarus (August 1991) and by other legislative instruments. The standards which these documents put into effect correspond to the provisions of the Universal Declaration of Human Rights and international treaties. Under Belarusian law all citizens, irrespective of national or social origin, sex, language, political or other convictions, religion, place of residence, property status or other circumstances, are equally entitled to protection of their rights and freedoms. Judicial protection of rights and freedoms is guaranteed, so that any citizen who believes that his rights have been infringed is entitled to seek redress in the courts.

18. Special protection is provided for the victims of political repression from the 1920s to the 1980s. The Supreme Council of the Republic has approved regulations on the restoration of these persons' rights (December 1990), procedures have been established for the rehabilitation of the victims of political repression (June 1991), and a Commission has been created under the Supreme Council to assist in securing the rights and perpetuating the memory of the victims of political repression from the 1920s to the 1980s (November 1991).

19. However, it must be admitted that no definitive mechanism for monitoring the implementation of human rights has yet been devised or embodied in law in Belarus. Prevailing legislative practice is such that the provisions of international human rights instruments are not incorporated directly in domestic law. We need to convert the relevant provisions of international law into domestic law or to adopt rules that refer back to international instruments.

20. This also applies to the Convention on the Rights of the Child. Efforts are under way to incorporate its provisions in Belarusian law through new legislative instruments, including the Rights of the Child Act. This text reflects the provisions of the Convention and is an affirmation by the Republic of Belarus, which suffered incalculable human losses during the Second World War and now faces the problem of conserving the nation's gene

pool in the wake of the Chernobyl accident, that its most important political, social and economic objective is to provide comprehensive protection for the children, families and mothers of this and future generations.

I. GENERAL MEASURES OF IMPLEMENTATION

21. On 28 July 1990, the Convention on the Rights of the Child was ratified by the Supreme Council of Belarus, and this has necessitated the adoption of a number of measures aimed at establishing the legal machinery for implementing the provisions of the Convention. These measures include the enactment of new legislation, the amendment of existing legislation, and the drafting of normative and legal documents governing the activities of State bodies responsible for protecting the rights and interests of children.

22. Among the new laws already in force which are directly relevant to children are: the Education Act (October 1991), the Act on General Principles of State Youth Policy (April 1992) and the Act on State Allowances for Families bringing up Children (October 1992). Matters relevant to children are also dealt with in other laws, including the Act on the Social Protection of Invalids (November 1991), the Citizenship Act (October 1991), the Culture Act (June 1991), the Universal Military Duty and Military Service Act (October 1992), the Code on Marriage and the Family (June 1969), the Labour Code (June 1972), the Housing Code (December 1983), the Criminal Code (December 1960), the Code of Criminal Procedure (December 1960), the Correctional-labour Code (June 1971) and the Civil Code (June 1964).

23. In addition, in November 1992 the Parliament of Belarus passed the Rights of the Child Act at its first reading. Article 2 of this Act is entitled "Legislation on the rights of the child" and provides that the Act is, "after the Constitution of the Republic of Belarus, the basis of other legislation relating to the rights and interests of children". The adoption of the Act will require amendments to existing legislation (the Code on Marriage and the Family, the Labour Code, Civil Code, Criminal Code, Code of Criminal Procedure, Housing Code, and so on). Lastly, a review is planned for the near future of legislative and normative documents that either amplify particular provisions of the Rights of the Child Act or are of importance in their own right.

24. At the local level, the rights and interests of children are protected by the guardianship and curatorship bodies under district, municipal and regional executive committees of the Councils of People's Deputies, and by the Procurator's Office and the courts. At the national level, the State's efforts to protect children's interests are coordinated by the Belarusian Supreme Council's standing Commission for Family and Youth Affairs. The Rights of the Child Act includes specific provisions on the creation of a system for protecting children's interests. For example, article 4, "Bodies responsible for protecting the rights and interests of the child", states that "the rights of the child shall be protected by bodies set up for this purpose within the framework of State power and by the Procurator's Office and courts". It also emphasizes, fully in line with the terms of the Convention, that these agencies shall be guided in their actions by the "overriding need to protect the interests of the child". Article 36, "Monitoring application of the Act", places responsibility for coordinating the efforts of State and

public organizations in defence of the rights and interests of the child on the Ministry of Education of Belarus.

25. In order to acquaint the public more fully with its principles and provisions, the Convention on the Rights of the Child has been published in the periodicals Vospitanie Shkolnikov (1990, No. 5), Sovetskaya Pedagogika (1991, No. 10), Adukatsiya i vykhavanne (1992, Nos. 6-8) and Praleska (1991, Nos. 2-3).

26. A conference, "The rights of the child: legislation and practice", which took place on 9 and 10 October 1991 in Minsk, was given over to a discussion of the possible ways in which the Convention could be put into effect. The conference was the initiative of the United Nations Association of Belarus, the Belarusian Children's Fund, the Peace Fund and other public organizations. During the conference, a paper on "The International Convention on the Rights of the Child" was presented by Mr. Adam Lopatka, chairman of the working group on the draft convention.

27. Measures have also been taken to implement article 44 of the Convention, paragraph 6 of which states that States parties must make their national reports to the United Nations widely available to their own public. To comply with this requirement, information on the work involved in drafting the initial report and on access to the text for those who want it has been published in the periodical Adukatsiya i vykhavanne (1992, No. 9). It is also planned to publish the report itself in the periodical press.

II. DEFINITION OF THE CHILD

28. A specific definition of the child as an independent subject with a clear legal status is given in article 1, "Limits of applicability" of the Rights of the Child Act, which states that the child is a person "from the moment of birth until 18 years of age". Article II of the Civil Code of the Republic of Belarus defines the age of majority: citizens acquire full legal capacity at 18 years of age. Article 1 of the Rights of the Child Act further stipulates that a child's rights and obligations are governed by his or her age, i.e. within this period of life there are distinct stages entailing more or less rights and corresponding duties for children in the various spheres of public life.

29. The minimum age for marriage is set by article 16 of the Code on Marriage and the Family at 18 years, the same as for conscription (art. 29, "Prohibition of the participation of children in hostilities", of the Rights of the Child Act and art. 14 of the Universal Military Duty and Military Service Act). There is, however, an additional stipulation in article 14 (4) of the Civil Code that citizens contracting a marriage before reaching 18 years of age acquire full legal capacity from the time of the marriage.

30. Juveniles aged between 15 and 18 years are entitled, without their parents' consent, to engage independently in small everyday transactions, to dispose of their own earnings or grants and to copyright their works and inventions, rationalization proposals and industrial prototypes (art. 14 of the Civil Code of the Republic of Belarus).

31. Under the driver registration, testing and licensing regulations (January 1987), persons over 16 years of age are permitted to drive vehicles of category "A" (motorcycles, motor scooters, motorized invalid carriages and other motor-driven vehicles), as well as motor cars (provisional licence, with restrictions).

32. Juveniles must not be employed in heavy labour, under conditions harmful or dangerous to health, in night or overtime work, on rest days or holidays or if the work interferes with the child's basic education (arts. 175 and 177 of the Labour Code and art. 21, "The child and work", of the Rights of the Child Act).

33. The age for basic education (which lasts nine years) is defined in article 16, "General secondary education", of the Education Act of the Republic of Belarus. Article 16 (3) of the Act reads as follows: "Education shall begin from the age of six or, on medical grounds and with the parents' consent, later". In most cases, therefore, a child's basic education is completed at 15 years of age. This fact must be taken into account when deciding whether to admit juveniles to independent employment or increase their civil capability in some other areas of public life, and consequently whether to amend existing legislation.

34. In the Rights of the Child Act, juvenile employment is regulated by paragraph 1 of article 21, "The child and work", which states that the child "may with the consent of the parents or persons acting in loco parentis be admitted to suitable employment, combined with his or her studies, from the age of 12". Admitting 12-year-old adolescents to suitable employment is justified on the basis of physiological and medical data which indicate that the small muscles of the hand are fully formed at this age. This provision of the Act is strongly supported by public opinion: a poll conducted in the former Soviet Union in 1990 by staff of the Child Research Institute of the USSR Academy of Pedagogical Sciences put the optimum age for admission to employment and wage-earning at 12 years.

35. Such unanimity among the respondents can hardly be attributed only to the changing social situation and the introduction of a market economy in our country. Conscious of being part of the international community, the citizens of the Republic of Belarus fully share its concern about the transformation of humankind's ethical values and the degeneration of some young people. Earlier habituation to work is seen essentially as a means of preserving the moral health of the rising generation.

III. GENERAL PRINCIPLES

36. In Belarus, the main legal instruments reflecting the State's position on non-discrimination against children and the child's rights to life, survival and development and respect for his or her views are the Constitution (April 1978), the Citizenship Act, the Act on the General Principles of State Youth Policy and the Rights of the Child Act. The rights of the child enumerated above are incorporated in the following articles and legislative provisions.

37. The equality of all citizens of the Republic of Belarus is proclaimed in articles 32 to 34 of the Constitution; non-discrimination against children is the subject of article 5, "Equal rights of children", of the Rights of the Child Act, which states that "all children have equal rights irrespective of origin, race or nationality, social or property status, sex, language, education, attitude to religion, place of residence, state of health or other circumstances relating to the child and his or her parents".

38. The principle of the best interests of the child is enshrined in the aforementioned article 4 of the Rights of the Child Act, which in addition requires the State to support the activities of the various social organizations, associations and funds helping to protect children's rights and interests.

39. In full accordance with the Convention, article 6, "Right to life and protection of health", of the Rights of the Child Act states that every child has the "inalienable right to life and to health protection and improvement". This provision is further developed in article 8, "Right to an adequate standard of living". Paragraph 2 of this article provides that "the State and its organs shall take social and economic measures to create ... [the] conditions" already defined as being "necessary for ... full physical, mental and spiritual development".

40. Concerning respect for the views of the child, this provision does not seem specific enough to be applied through legislative or regulatory instruments. An exception is the situation in which one of the parents has to be chosen for the child to live with (art. 12, "Right to live in a family", of the Rights of the Child Act), where the child's views are taken into consideration from the age of six years.

IV. CIVIL RIGHTS AND FREEDOMS

41. The civil rights and freedoms of children in the Republic of Belarus are guaranteed by a number of legislative and regulatory instruments, including the Constitution, the Citizenship Act, the Act on the General Principles of State Youth Policy, the Rights of the Child Act and the Civil Code, as well as the Decree of the Presidium of the Supreme Soviet of the Republic (August 1988) entitled "Statute on the procedure for the organization and conduct of meetings, rallies, street processions and demonstrations" and the Order of the Council of Ministers of the Republic of Belarus (May 1991) entitled "Temporary statute on the procedure for education and activities of social organizations of citizens of the Byelorussian SSR".

42. The right of the child to citizenship is incorporated in article 7 of the Rights of the Child Act. For registration of citizenship to be possible, the child must have been given a name and its nationality must be indicated. The article also stipulates that the grounds and procedure for a child's acquisition or change of citizenship are determined by the Citizenship Act of the Republic of Belarus (art. 8, "Grounds for acquisition of citizenship of the Republic of Belarus", and arts. 22-28 (4), "Special cases of change, conservation or loss of citizenship").

43. The child's right to freedom of expression and access to information appropriate to his or her age is reflected in article 10 of the Rights of the Child Act, which also places limitations on the freedom to express one's opinions if this is prejudicial to the honour and dignity of other members of society.

44. Freedom of conscience and religion is guaranteed by articles 10 and 20 of the Rights of the Child Act. The latter article sets out the position of the Republic of Belarus concerning freedom of religion as follows:

> "While having proclaimed the secular nature of education, the State may not, except when inducement to perform religious acts directly threatens the child's life or health or infringes his or her legal rights, interfere with the upbringing of a child on the basis of the particular religious views of the parents or persons acting in loco parentis and connected with the observance, outside educational institutions and [...] with the child's participation, of religious ceremonies, holidays or traditions".

45. The right to freedom of association and peaceful assembly is reflected in article 23 of the Rights of the Child Act which is entitled "Right to join social organizations". This article states:

> "Children have the right to join independent children's organizations provided that the activities of such organizations do not contravene the Constitution and other laws of the Republic of Belarus, violate public order or State security, harm public health or morals or infringe the rights and freedoms of others. Children's organizations shall not engage in political activities.
>
> "The State shall provide children's organizations with material and other assistance and preferential tax arrangements".

46. In addition, the legal status of youth organizations and associations is governed by articles 17, 18 and 19 of the Act on the General Principles of State Youth Policy in the Republic of Belarus. These articles define youth organizations - which may set up unions and associations - and also enumerate the rights and safeguards relating to their activities and specify the basis for interaction between the State and youth associations.

47. Article 17, "Youth associations", provides that "young citizens may neither be compelled directly or indirectly to join youth associations nor barred from participating in their activities". Article 18, "The State and youth associations", says that "... in order to create the necessary conditions for the functioning of registered youth associations ... the State may provide them with material, financial and organizational support".

48. The right to protection of privacy has not been reflected in the articles of the Rights of the Child Act or in other legislative instruments. In our view, this right is first of all not adequately defined and, secondly, runs counter to the goal of strengthening the role of family upbringing and shifting the emphasis from social to family upbringing. Thus, the inviolability of the family and home may be considered rather as rights

belonging to the parents or persons acting in loco parentis. Privacy of the child's correspondence can hardly be guaranteed by law, since that would mean interfering in the relationship between parents and children and limiting adults' formative influence and authority.

49. The right to protection against torture and other cruel, inhuman or degrading treatment or punishment is incorporated in articles 9, 24, 31 and 32 of the Rights of the Child Act. Article 9, "Right to inviolability of the person and to protection against physical and mental violence" says:

> "The State shall preserve the inviolability of the child's person and afford protection against all forms of exploitation, physical or mental violence, cruel, harsh or negligent treatment, sexual exploitation or sexual perversion, including on the part of parents, persons acting in loco parentis or relatives, inducement to crime or habitual consumption of alcohol, illicit use of narcotic drugs or psychotropic substances or compulsion to engage in prostitution, begging or gambling".

50. Article 24, "Right to protection of honour and dignity", is intended to prevent degrading treatment of children in educational or training institutions. The article states that discipline and order in such institutions "shall be maintained by means based on a spirit of mutual respect and fairness and excluding degrading treatment of pupils".

51. Article 31, "Protection of the child's rights in the event of his or her criminal prosecution", states: "It is not permitted to use violence, threats or other unlawful acts against juveniles ...".

52. Article 32 "Protection of the child's rights in special educational institutions", lays down "the right to humane treatment, protection of health, provision of basic education and vocational training, meetings with parents, relatives and other persons, leave and correspondence".

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

53. As of January 1992, there were 2,594,300 children in the Republic of Belarus, of whom:

454,800 were aged 0-2 years;

485,000 were aged 3-5 years;

964,200 were aged 6-12 years;

690,300 were aged 13-18 years.

54. A priority in State policy is to strengthen the institution of the family, increase its responsibility for the upbringing of children and establish legal machinery for the realization of these goals by State bodies and social organizations. This should be facilitated by article 11 of the Rights of the Child Act, the Act on State Allowances for Families bringing up Children and the articles of the Marriage and Family Code, which is now in final drafting.

55. Article 12 of the Rights of the Child Act, entitled "Right to live in a family", provides legal safeguards of the right of every child "to know both his or her parents, the right to their care and to live with them, except in cases where separation from one or both parents is necessary in the child's interests".

56. Article 14 of the Rights of the Child Act makes parents or persons acting in loco parentis responsible for the child and for providing the necessary conditions for his or her upbringing, full development, education, health and preparation for independent life within the family and society, as well as for infringement of the law by their children. The article provides that "violation of the rights or infringement of the lawful interests of a child by his or her parents or persons having custody of the child is an offence under the law of the Republic of Belarus".

57. Economic measures are also planned to help realize the child's right to live in a family. The article states that "when a child is placed in a children's boarding institution, foster home, family-type children's home or other State-supported educational institution, the parents shall defray the costs of the child's upkeep in accordance with the procedure defined by the Council of Ministers of the Republic of Belarus".

58. Article 13 of the Rights of the Child Act guarantees the right of a child living separately from one or both parents in the Republic of Belarus or in another country to have contacts with the parents if they are not detrimental to his or her upbringing or life. At the same time, the State takes every step to reunite the child with his or her family.

59. For the full support and upbringing of children, article 17, "State protection of the family", of the Rights of the Child Act and the Act on State Allowances for Families bringing up Children provide for the State to assist the family, to pay allowances on the birth of a child and for his or her upkeep until a specified age and to furnish other types of allowances and benefits.

60. The preamble to the Rights of the Child Act, together with article 25 of the Act, guarantees special care and social protection for children temporarily or permanently deprived of their family environment.

61. In January 1992 there were 12,700 orphans and children left without parental care in the Republic of Belarus, of whom 6,700 were being raised in children's homes and boarding schools. The State is pursuing a deliberate policy of placing such children with families. Article 25 of the Rights of the Child Act provides that "... State child-welfare authorities shall take all possible measures to ensure that a child left without parental care is placed in an adoptive family, in a foster home or in a family-type children's home". Provisions concerning fosterage and family-type children's homes have been drafted. In February 1991 the Supreme Council of the Republic of Belarus passed a decree defining the material support to be provided for children being brought up in a family after being deprived of parental care.

62. In addition, article 25 states that "when such a child cannot be placed in a family in the Republic of Belarus, citizens of another country may adopt the child or be given or take over custody (guardianship) of the child in his or her interests. In such cases, the child shall retain the right to citizenship, property, housing and material support from the State ...". The same article provides that "in the interests of the child, his or her health and accommodation in the family of the adoptive parents, custodians (guardians) or substitute parents in a family-type children's home shall be evaluated in a strictly confidential manner by the State child-welfare authorities".

63. Adoption was arranged for 397 children in 1990 and 444 children in 1991 in the Republic of Belarus, with 2 children going to other countries in 1991 and 66 in 1992.

64. If orphans or children deprived of parental care cannot be transferred to a family, the State takes steps to enable children's boarding institutions to provide the necessary conditions, similar to those in a family environment, to ensure the full physical, intellectual and spiritual development of the children concerned and to preserve their native language, culture, national customs and traditions. This action is the subject of article 26, "Support and upbringing of children in children's boarding institutions", of the Rights of the Child Act, which also provides that "teachers and other staff of children's homes, boarding schools and other boarding institutions who commit anti-pedagogical or immoral acts against pupils are liable to dismissal from these institutions ...".

65. Article 33, "Protection of the child against forcible transfer", of the Rights of the Child Act guarantees the adoption of measures by the State "to combat the illicit transfer and non-return of children abroad, to prevent the abduction, trade or trafficking of children, for any purpose and in any form, in accordance with current legislation and the rules of international law". In this connection, amendments are being made to the Criminal Code of the Republic of Belarus.

VI. BASIC HEALTH AND WELFARE

66. In the Republic of Belarus, the survival, healthy development and welfare of the child are guaranteed by a system of legislation, including article 6 of the Rights of the Child Act, which deals with the right to life and health care. In accordance with this article on the child's right to life, health care and promotion, the State assumes the obligation to provide the appropriate conditions for antenatal and post-natal care of mothers, the healthy development of the child and sound and safe nutrition, and to implement a programme of free, professional medical care, disease prevention and dissemination of information on healthy living.

67. The Act on State Allowances for Families bringing up Children is called upon to play a large part in providing the necessary conditions for the full development of the child. The Act defines every type of State benefit that can be claimed during pregnancy and delivery in connection with the birth of a

child, for child care for infants, for children of pre-school, junior, middle and secondary school age and for the care of sick children. Additional benefits exist for single mothers, disabled children, orphans, the children of personnel engaged in compulsory military service, etc.

68. A number of resolutions, programmes and projects have also been adopted by the Republic of Belarus with the aim of improving health care for children and establishing the right to prompt and accessible medical care:

(a) Decision of the Supreme Council of the Republic of Belarus on additional measures to improve the protection of mothers and children in the Republic of Belarus (February 1991). Under this decision:

(i) The entitlement to part-paid leave to look after a child was extended until the child reaches three years of age;

(ii) The right to take this leave in full or in parts was extended to the mother or any relative who looks after the child;

(iii) A nationwide programme for baby food production between 1991 and 1995 was adopted;

(iv) A one-time incentive payment was introduced for women registering at an antenatal clinic before the twelfth week of pregnancy, equal to 50 per cent of the benefit payable on the birth of the child;

(v) A procedure was established for providing women giving birth to twins with free layettes containing essential items for both babies;

(b) In 1989 the Ministry of Health introduced an all-round scientific and practical programme to improve health care for mothers and children and to reduce infant mortality by 1995;

(c) In 1991 the Supreme Council of the Republic of Belarus adopted a national programme for the prevention of genetic disorders arising as a result of the accident at the Chernobyl nuclear power station and an all-round programme for the protection of mothers and children from the effects of the disaster at the Chernobyl power station over the period 1991-1995.

69. The implementation of these programmes will enable children and future mothers to recover functions after loss and make it possible to achieve a 25 per cent decrease in the number of children born with congenital malformations, a 55-60 per cent decrease in the number of deaths resulting from congenital malformations and hereditary diseases and a 45-50 per cent drop in the level of associated child disability.

70. The Republic of Belarus recognizes the right to special care and social protection of children living in unfavourable conditions or in extreme circumstances. Children suffering from deficiencies in their mental and physical development are considered to fall in this category.

71. Article 27 of the Rights of the Child Act, concerning the rights of children suffering from deficiencies in their physical and mental development, states that the Government shall guarantee such children specialized medical and psychological treatment and specialized care for the handicaped free of charge, elementary and vocational education, placement in work commensurate with their capabilities, insertion into society and a full life in conditions which guarantee their dignity and promote their active particpiation in the life of society. The Government is also required to introduce a combination of medical, legal and socio-economic measures to curb the growth in the numbers of such children.

72. On 1 January 1992 there were 12,400 registered disabled children aged up to 16 in Belarus, or 0.4 per cent of the child population. Of these, 2,300 were at residential children's homes. There are nine institutions in the country, seven for the mentally retarded (with 2,145 places) and two for physically handicapped children (with 450 places). Sixty-two children are on a waiting list for places in the schools for the mentally retarded. Demand for places in institutions for physically handicapped children has been fully met; 347 of the 450 places have been taken up.

73. On 1 January 1992, a law on social protection of the disabled in the Republic of Belarus was introduced, giving disabled children a 90 per cent reduction in the cost of medicines, the right to priority service in out-patient clinics and pharmacies and preferential consideration for treatment in holiday sanatoriums (art. 15). Scope for education and vocational training is also offered by the possibility of learning at home, with individual study plans being tailored to the individual's programme for insertion (art. 16).

74. Pre-school education for the disabled is ensured both by making the necessary provision for it in ordinary pre-school institutions, and by creating special pre-school institutions. In the case of a child being educated at home, one of the parents, or a person acting as the parent, receives material assistance and privileges. Time off to care for such a child is counted as part of the total length of service (art. 18).

75. Provision is made for access to non-school education (art. 19), and for priority in enrolling in higher and specialized secondary educational establishments for those successfully taking entrance examinations, ceteris paribus (art. 20). Disabled children living permanently in hospital are guaranteed that there will be no breaks in their upbringing and education (art. 21). Under this law children receive tuition in interpersonal communication skills (art. 23), and disabled children living permanently in hospital who are orphans or deprived of parental care are automatically housed on reaching the age of majority without the need to join a housing queue (art. 47). Access to transport services is available at reduced prices (art. 42).

76. In addition, a decision of the Council of Ministers on measures to improve the work of special educational institutions for children and adolescents suffering from deficiencies in their mental and physical development (May 1991) and the "Abnormal children" programme, drawn up by the Ministries of Education, Health and Social Security, have been adopted in the

Republic of Belarus. This programme aims to develop medical, psychological and educational services for children suffering from deficiencies in their mental and physical development and to set up national and regional rehabilitation centres for children suffering from damage to their locomotor system and central nervous system.

77. Health care for children in the Republic is provided in 981 children's polyclinics and in children's hospitals, which have a total of 16,700 beds and employ 4,700 paediatricians. There are 4,800 beds available for children requiring treatment in holiday sanatoriums (20.5 beds for every 10,000 children in the population). Three sanatoriums with a total of 640 beds, destined for victims of the accident at the Chernobyl nuclear power station, accompanied by their parents, have been in operation since 1990.

78. In 1988, an artificial limb and orthopaedic hospital for children suffering from damage to their locomotor system was opened as part of the Belarus Artificial Limb and Orthopaedic Rehabilitation Centre. It has a polyclinic which can cater for 300 out-patient appointments per session and 80 in-patients. All disabled children receive prosthetic and orthopaedic appliances and treatment free of charge, and the travelling expenses of the children and those accompanying them are also reimbursed.

79. An oncological and oncohaematological centre for children is also in operation. Specialist medical treatment for children that require it is provided in special hospitals (departments) and clinics.

80. The Convention on the Rights of the Child provides (art. 27, para. 2) that the parents bear responsibility to secure the conditions of living necessary for the child's development. This is reflected in article 14 of the Rights of the Child Act and also in article 80 of the Code on Marriage and the Family, where it is stated that "parents have an obligation to support their minor children".

81. The provision of the Convention concerning assistance, including material assistance, to parents and those <u>in loco parentis</u> is echoed in the Act on State Allowances for Families bringing up Children and in article 17 ("State protection for families") of the Rights of the Child Act.

82. Other means by which the Government aims to provide assistance to parents and others responsible for children include the following decisions of the Council of Ministers of the Republic of Belarus: measures for the social protection of the population in the context of price liberalization (December 1991); further measures for the social protection of the population in connection with the price liberalization (February 1991); regular measures for the social protection of the population and regulation of wages (May 1992); social support for individual categories of citizens in the context of continuing price liberalization (July 1992); social support for the population in connection with the continued increase in the retail prices of goods and services (October 1992); and also the decisions adopted regularly by the State Committee on Labour and Social Protection of the Population and the Ministry of Finance of the Republic of Belarus on levels of State benefits to families bringing up children which takes into account the economic situation in the country.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

83. The Education Act in the Republic of Belarus, the Act on Culture in the Republic of Belarus and the Rights of the Child Act lay down the principles governing the provision of education, including vocational training and guidance, leisure and cultural activities. The rights of children with regard to education, including vocational training and guidance, are incorporated in the nine articles of the Education Act.

84. Article 5 ("The right to education") states that all inhabitants of the Republic of Belarus (including foreign citizens and stateless persons who are in permanent residence in the Republic) have the right to equal access to the education system. These rights are guaranteed through the creation of conditions for the receipt of general and vocational education, the development of State and other educational establishments of various kinds, offering different forms of education, free education in State schools, and so on.

85. In the light of the needs of the family and of society, article 15 on "pre-school upbringing and education" provides for the setting up of crêches, kindergartens and kindergarten/crêches which accept children of pre-school age for short periods, by the day or for 24-hour periods, family-type institutions and various types of boarding institutions.

86. In accordance with article 16 on "general secondary education", children must start school at age 6, or later if considered necessary for medical reasons and with the agreement of the parents. The same article stipulates that in order to cater for the individual needs of pupils and the development of their creative abilities, individual programmes, extra-mural studies and optional subjects shall be introduced, as well as schools (classes) at which particular subjects are more intensively taught, gymnasiums and lycées.

87. General pre-tertiary education - primary (4 years), basic (compulsory) (9 years) and secondary (post compulsory) (11th and 12th years) - is the basic component of a continuous education system, offering each child the opportunity to develop his or her various creative abilities and to acquire the basic skills for mental and physical labour. In the academic year 1991/92, there were 5,075 general day schools in the Republic of Belarus, 1,023 of which were primary schools, 1,347 incomplete secondary schools and 2,705 secondary schools. Of a total of 1,466,000 pupils in these schools, 17,600 were at primary schools, 85,200 at incomplete secondary schools and 1,364,000 at secondary schools.

88. General secondary education offers young people an opportunity to receive vocational training (in vocational and technical colleges, industrial training combines and centres and directly in industry) (art. 18 on vocational and technical education), specialized secondary education (in technical secondary schools, technical colleges and other institutions which train middle-level specialists) (art. 19 on specialized secondary education) and higher education to follow on from general secondary, vocational secondary or specialized secondary education (in universities, academies, institutes and so on) (art. 20 on higher education).

89. In accordance with article 30 of the Education Act dealing with rights and obligations in education, students at State secondary and higher educational establishments have the right to use textbooks, study aids and other literature essential to their education free of charge in State establishments; academic, industrial training, scientific, cultural and sports facilities; food, medical services and State transport at special rates; and awards for success in their studies. Students from other towns are entitled to a place at a boarding school or State rent allowance. In addition, students at higher and specialized secondary establishments who are studying while working full time are entitled to additional paid leave and a shorter working week, while day students studying are entitled to a guaranteed minimum grant with the opportunity of increasing this grant through academic attainment. Young men are granted a deferment in the call-up to service for the entire period of their study.

90. Article 4 of the Education Act in the Republic of Belarus, entitled "The aims of education", lists these aims as follows:

1. To encourage the harmonious development of the individual and the full realization of his or her creative abilities;

2. To shape and strengthen the national awareness of the citizen of the Republic of Belarus, as well as feelings of respect towards other countries and peoples of the world;

3. To ensure proficiency in the State language as the principal means of communication between citizens of the Republic of Belarus;

4. To preserve and enhance the intellectual personality and cultural values of the Belarusian people and of other national communities in the Republic;

5. To shape environmental awareness;

6. To foster respect for family life;

7. To encourage the intellectual aspirations of the individual;

8. To achieve a wise balance between experience and knowledge in the individual;

9. To develop scientific, technical and cultural activity as required by the development of the Republic;

10. To foster conscious respect for democracy as a form of governance and existence which offers every individual the chance to participate in taking the decisions that are intended to improve society;

11. To encourage the establishment of relations of humanity and charity between people;

12. To foster conscious respect for a world order founded on recognition of the political, economic and social rights of all the peoples of the world.

91. The problem of how to introduce children to their national culture and to world culture is reflection in the legislation on education, the rights of the child and culture in the Republic of Belarus. Article 18 of the Rights of the Child Act, on this very topic of introducing children to national and to world culture, not only sets out measures to promote the establishment of State and public institutions to develop children's artistic and scientific abilities, inter alia through the issue of accessible ciné and video films, radio and televisions programmes, children's newspapers, magazines and books, but also decrees a ban on the utilization of the mass media, literature, shows and other forms of entertainment which have traits that are pornographic or glamorize violence or cruelty, offend human dignity or incite illegal actions.

92. The Education Act provides that State bodies, establishments, organizations, enterprises, unions of creative workers and other civic organizations shall contribute to the cultural and aesthetic education and upbringing and the shaping of high moral qualities in the citizens (art. 7, on education, upbringing and culture). In order to shape and better cater for the diverse needs of individual children and adolescents as regards their spiritual and physical improvement and to organize their leisure and rest to complement the opportunities offered in educational institutions, State bodies enterprises, organizations, civic societies and individual citizens are to set up non-school institutions in the fields of culture, aesthetics, natural sciences, technical subjects, sport and other areas (art. 17 on education and upbringing outside school). Such establishments benefit from State support; their activity is coordinated by educational bodies. The Act on Culture in the Republic of Belarus provides for the creation and equipping of non-school institutions in the places where the citizens of the Republic live. To ensure their efficient functioning, article 35 on non-school cultural institutions lays down that State bodies together with local councils must guarantee the allocation (letting) of the premises required and the supply, at State-set prices, of a certain proportion of the resources, materials and technical assistance needed for the functioning of non-school cultural institutions, irrespective of the Government Department in whose jurisdiction they lie.

93. Every child in the Republic of Belarus is entitled to rest and to a choice of activities outside school in accordance with his or her interests and capabilities. Article 22 of the Rights of the Child Act, relating to the right to rest, provides that the State facilitates the setting-up of a wide range of specialized non-school institutions, as well as sports facilities, play areas, stadiums, clubs, camps and other places where children and young people may relax and improve their health. The article also sets out a procedure for the use of cultural, educational, sports and health establishments on special terms. Acts intended to lead to the deterioration of or reductions in the physical infrastructure for the organization of children's leisure activities are prohibited.

94. The Act on Culture in the Republic of Belarus gives children and young people the opportunity to participate in cultural and educational activities and put their free time to full use in a variety of different establishments:

palaces or houses of culture, clubs, culture and leisure parks, cultural centres for the young and so on (art. 31 on "Palaces (houses) of culture, clubs, parks and other cultural and educational institutions").

95. In accordance with article 34 of the Act on Culture in the Republic of Belarus, museums must offer citizens, pupils, students, pupils at professional and technical colleges and specialist secondary schools an opportunity to visit their rooms and view their collections and assets free of charge at least once a week. There are 97 State museums operating in the Republic and more than 1,300 museums run by public initiative (of which 80 per cent are in schools). As part of the "Rebirth" programme, all museums are directing their activities to the rebirth of national history and culture. The years 1991-1992 saw the opening of the unique M. Bogdanovich literary museum in Minsk, the A. Mitskevich museum and estate in Novogrudka, the F. Bogushevich museum and estate in Kushlyany and the Dunin-Martsinkevich museum in Malaya Lyutsina village in the Volozhinsky district. The majority of these museums organize special activities and exhibitions for children. They also run classes and out-of-class activities such as local history groups. Schoolchildren accompany museum employees on ethnographic study trips. In 1991 museums received more than 1 million visitors; around 70 per cent of visitors are children.

96. The Republic of Belarus has a fairly extensive network of non-school establishments. At the beginning of 1992 there were 640 such establishments in operation, 386 of which were set up under the auspices of the Ministry of Education (202 children's creative centres, 40 centres for technical creation, 37 ecology learning centres, 22 centres for tourism and excursions for young people, 31 independent tourist centres, 16 children's parks, 14 children's stadiums, 4 young sailors' clubs and boat clubs for children, and so on). In these non-school establishments there were a total of 20,000 groups occupying 292,300 children (34 per cent of these children were members of art groups, 20 per cent members of technical groups, 13 per cent were in tourism and local history groups, 10 per cent were young naturalists and biologists, 9 per cent in sports groups and 14 per cent others).

97. At the end of 1992, 6 concert halls, 16 drama and 7 puppet theatres were operating in the Republic of Belarus, as well as a children's orchestra run by the Belarusian State Philharmonic Society. The concert halls organize special programmes for children and regular concert series for them. All theatres have a children's repertoire. In recent years children, childhood and youth have become a dominant theme in the theatres of the Republic. Each year over 600,000 children visit puppet theatres and more than 1.5 million visit regular theatres. The Musical Comedy Theatre in Minsk stages 18 free shows a year for handicapped children and 18 free shows for orphans and children deprived of parental care. All the theatres in Belarus regularly take children's shows on tour to rural areas and areas suffering from exposure to radiation as a result of the accident at the Chernobyl nuclear power station. In the radioactive zone nearest to Chernobyl, variety festivals are held under the title "Thank you, folks!".

98. In the Republic of Belarus 83,300 children study in 681 schools - 597 music schools, 25 schools for the plastic arts, 5 dance schools and 54 schools for the arts. Around 8,000 young people are learning about the world

of beauty in 20 secondary schools specializing in art and culture (11 music schools, 1 dance school, 1 school for the plastic arts, 1 cultural academy, 4 schools for the arts, a lycée attached to the Belarusian Academy of Music and a library college). There are 3,100 students at the Minsk Institute of Culture, the Belarus Academy of Music and the Belarus Academy of the Arts.

99. Around 30,000 children, adolescents and young people are involved in cultural activity in 2,700 clubs (groups, ensembles, amateur artistic groups and so on). There are several widely known children's ensembles in Belarus: the dance group "Lyalki" from the Baranovichi Palace of Culture, the folk group "Zhemchuzhinka" from Zhemchuzh village in the Baranovichi district, the "Komariki" song and dance group from Novopolotsk, the group "Lyalechki" from the village of Obukhov in the Grodno district, the "Rovesniki" dance group from the trade union Palace of Culture (Minsk), the "Rostitsa" folk ensemble from Belarusian television, the "Zorachka" song and dance group from the Republic Palace for Children and Young People. Together with their parents and other adults, children acquaint themselves with the popular art of music and song in folk groups which exist in every region and district. Much is being done to introduce children and young people to the age-old traditions of the Belarusian people (through their national language, written records, traditions, literature, folklore, legends, myths, way of life, the history of their native land, research work, protection of nature and historical and cultural monuments, and the restoration and development of national handicrafts, such as weaving, ceramics, wood carving, smithery, wickerwork and so on).

VIII. SPECIAL PROTECTION MEASURES

100. These measures are provided for in the Belarus Rights of the Child Act, which contains a special section, section IV, entitled "Children in disadvantaged conditions and situations of emergency", and in articles of the Criminal Code and Code of Criminal Procedures which defend the rights of children who break the law in circumstances where they are exploited by adults.

101. With regard to children in situations of emergency, in particular refugee children and children in armed conflicts who need physical and psychological recovery and social reintegration, article 30 of the Rights of the Child Act provides that

> "refugee children who have been deprived of their homes and personal property as a result of warfare or armed conflict on national or other territory are entitled to defence of their lawful interests. State child-welfare agencies at the place where the child is shall take measures to find the parents or relatives, shall provide material, medical and other help, and shall if necessary send the child to a children's boarding home, a treatment centre or other educational establishment".

Article 29 of the Act prohibits the obtaining of children's participation in warfare and armed conflict, the establishment of children's military organizations or units and propaganda among children about war and violence.

102. The Republic of Belarus considers it important to protect the rights of children who have suffered as a result of accidents caused by human activity. Thus, the Rights of the Child Act includes article 28 entitled "Rights of children who are victims of natural calamities or accidents or disasters". This article states in particular that in the above-mentioned situations the State shall provide the children "with prompt free assistance, take urgent measures to remove them from the danger zone, take care of reuniting them with their families and provide the necessary medical help, including in other countries. In the event of the loss of their parents, these children shall be afforded the same social protection as any child who has been deprived of parental care".

103. With regard to children who have committed criminal offences, the Rights of the Child Act is oriented towards allowance for their age, their return to a normal life and the performance of socially useful activity, and the development in them of a sense of dignity and respect for people. Article 31, "Protection of the rights of the child in the event of his or her being called to legal account" provides that detention, arrest and pre-trial detention may only be applied to children as extreme measures and in cases provided by law. The article further provides that immediate notification of a child's detention must be given to his or her parents or the persons who are responsible for his upbringing and to the Office of the Public Prosecutor. It is forbidden to detain a child in the same room as detained adults, persons under arrest or convicted persons. Article 31 provides that, when criminal proceedings are instituted against minors, the participation of a lawyer and child specialist (psychologist) in both the enquiries and the preliminary investigations is mandatory and the cases must be heard by specialized courts. The use of force, threats or other unlawful acts against minors in order to compel them to give evidence as witnesses or confess their guilt is prohibited.

104. Article 32 of the Rights of the Child Act guarantees the protection of the rights of children in special educational establishments, to which they may only be sent by a court acting on a report from the juvenile affairs agency of the local Council of People's Deputies. This article also explains that "the essential aim of placing juveniles in special educational establishments shall be to re-educate the children and restore them to normal conditions of life and work".

105. In accordance with the current legislation of the Republic of Belarus, criminal responsibility commences at the age of 16 years. Criminal responsibility may only commence earlier, at the age of 14, when a particularly serious crime has been committed: attempted murder of a militia officer in the execution of his duty; rape; deliberate acts which may cause a train crash; robbery with violence, robbery or threat of violence, whether or not endangering human life; theft of weapons, ammunition or narcotic substances; and some other offences.

106. If a court finds that the correction of a person who committed an offence before attaining the age of 18 years does not pose a serious risk to the public, it may sentence that person to compulsory measures of an educational nature not constituting a criminal penalty. Such measures are:

(a) Ordering a public or other form of apology to the victim;

(b) When the amount of the damage done does not exceed 50 roubles, ordering a minor over the age of 15 years who has an independent wage to pay compensation, or ordering the minor to repair material damage by his or her own labour;

(c) Placing the minor under strict supervision of his or her parents or the persons acting in loco parentis;

(d) Placing the minor under the responsibility or supervision of a labour collective or social organization;

(e) Placing the minor in a special educational establishment (arts. 10 and 60 of the Belarusian Criminal Code).

107. Articles 205, 205 (2) and 219 (4) of the Criminal Code fix the responsibility for involvement of minors in criminal activity, drunkenness, begging, prostitution, gambling, and the use of minors to support a parasitic existence. Responsibility is also fixed for persuading minors to use narcotic substances (arts. 205, 205 (2) and 219 (4)).

108. Under the Criminal Code minors may not be sentenced to death (art. 22 (2)), exiled (art. 25) or banished (art. 26). When, on the opening of criminal proceedings, there are grounds for supposing that the accused, if left at liberty, will evade investigation or trial, impede the establishment of the truth or engage in criminal activity, the investigator, prosecutor and the court have the right to impose one of the following preventive measures on the accused: a written undertaking not to abscond; personal surety or surety by a social organization or labour collective; detention in custody; placement under the supervision of parents, guardians or curators, or, for pupils in children's establishments, placement under the supervision of the administration (art. 84 of the Code of Criminal Procedure).

109. In cases involving minors, the preliminary investigation must determine the standards of living and upbringing, and the causes and conditions that contributed to the minor's commission of the crime, and so on. Where there is evidence that the minor is mentally retarded, but for some reason other than mental illness, it must be established whether he or she was fully aware of the significance of his or her acts; for this purpose inquiries are made of the minor's parents, teachers and educators and other persons able to provide the requisite information, essential documents are obtained and other investigations are carried out (art. 151 of the Code of Criminal Procedure).

110. On completion of the preliminary investigation, when the minor is given access to the case file, the accused's legal representative must be allowed to be present.

111. Article 283 of the Code of Criminal Procedure stipulates that representatives of labour collectives and teaching staff shall take part in the court examination of cases involving minors. With the permission of the court, representatives of social organizations may take part in the examination of evidence.

112. Convicted minors serve their sentence in educational-labour colonies (art. 12 of the Correctional-labour Code) separately from adult prisoners (art. 18 of the Code of Criminal Procedures). Security measures, such as the use of straitjackets and weapons, may not be employed against minors (arts. 35 and 36 of the Correctional-labour Code. In addition, under-age prisoners are provided with improved living conditions and better standards of food. By decision of the medical committee, such persons may be permitted to receive additional food parcels (art. 60 of the Correctional-labour Code). They are also permitted to purchase food products and essential articles not only with money earned at the place of detention, but also with money sent to them (art. 24 of the Correctional-labour Code).

113. Minors may also be sentenced to correctional work without deprivation of freedom. Such sentences are served in the offender's place of work or district of residence, taking account of his or her physical capacities and, where possible, special skills (art. 96 of the Correctional-labour Code).

114. On release from a place of detention, minors are returned to their parents or the persons acting in loco parentis. When this is not possible, the commission for minors' affairs in the minor's former place of domicile takes measures to provide him or her with accommodation, employment appropriate to his or her qualifications, and education or training.

115. In exceptional circumstances, when return of the minor to the former place of domicile would be inconsistent with his or her welfare, he or she is settled in the same place as the educational-labour colony (art. 106 of the Correctional-labour Code). Minors who do not have parents are, when necessary, placed in boarding schools or other children's establishments or, in the manner prescribed by law, in the care of a guardian (art. 109 of the Correctional-labour Code). To consolidate the results of the rehabilitation and to prevent the recurrence of offences, counsellors may be appointed for the minors.

116. The Rights of the Child Act also provides for the protection of children against all forms of exploitation. Thus, article 21 concerns the responsibility incurred by adults in the event of economic exploitation:

> "Whether it occurs in connection with a household enterprise, a leasing contract or any other form of business activity, the compelling of children to perform work that is dangerous to their health or an obstacle to their acquisition of a basic education shall give rise to the responsibility provided for in the legislation of the Republic of Belarus".

117. Under the Rights of the Child Act, children belonging to national minorities (Jews, Poles, Lithuanians and others) have equal rights regardless "of their origin, race or nationality" (art. 5). In addition, the recently passed National Minorities Act (November 1992) guarantees minorities the right to maintain and develop their own cultures. Thus, article 5 secures "the right to receive help from the Government in the development of national culture and education ... the right to choose any language as the mother tongue and to study and use it ... the right to maintain and observe national traditions".

118. In application of this law, in 240 schools of the Republic children belonging to national minorities study their mother tongue, while in the town of Grodno people of Polish nationality are able to watch television programmes in their mother tongue and televised Polish language lessons are transmitted for them. Plays in Ukrainian and Polish are performed in theatres of the Republic.

119. Thus, the adoption by the Republic of Belarus of the Rights of the Child Act and the Act on State Allowances for Families bringing up Children are evidence of the first steps taken by the country to bring national legislation into line with the international rules and to establish legal machinery for giving effect to the provisions of the Convention on the Rights of the Child.

- - - - -